



City Council Meeting Agenda

Our Vision: A well-planned lakeside community of quality neighborhoods, distinctive amenities, diverse employment, and cultural charm. Rowlett: THE place to live, work and play.

Monday, August 3, 2026

6:00 PM

Municipal Building – 4000 Main

Pursuant to Texas Government Code Section 551.127, on a regular, non-emergency basis, members may attend and participate in the meeting remotely by video conference. Should that occur, a quorum of the members, including the presiding officer, will be physically present at the location noted above on this Agenda.

As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item herein.

The City of Rowlett reserves the right to reconvene, recess or realign the Regular Session or called Executive Session or order of business at any time prior to adjournment.

Process for Public Input: If you are not able to attend in person, you may complete the [Public Input Form](#) on the City's website by 3:30 p.m. the day of the meeting. All forms will be forwarded to the City Council prior to the start of the meeting.

For in-person comments, request to speak forms/instructions are available inside the door of the City Council Chambers.

1. Call to Order

2. Citizens' Input

At this time, comments will be taken from the audience on any topic. No action can be taken by the Council during Citizens' Input.

3. Work Session

3.A. Receive a presentation regarding an update from Dallas Area Rapid Transit (DART).

3.B. Receive a presentation regarding text amendments to Section 77-510 of the Rowlett Development Code regarding exterior lighting.

3.C. Receive a presentation and update regarding amendments to the Code of Ordinances, Article XI "Short-Term Rentals" Chapter 10 "Businesses", Article XI "Rental Housing", Division 7 "Short Term Rentals".

3.D. Receive a presentation and update regarding amendments to the Code of Ordinances, Article IV "Regulation of Sex Offender Residency" Ordinance Chapter 34 by amending Section 34.71.

3.E. Receive a presentation regarding the process for the selection of a City Prosecutor.

3.F. Discuss a possible Charter Amendment Election for May 2027 and appointing members to the Charter Review Commission.

4. Executive Session

- 4.A. The City Council shall convene into Closed, Executive Session pursuant to Texas Government Code, §551.074 (Personnel Matters) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, to wit: Interim City Manager.
5. **Reconvene Into Open Session and Take Any Necessary or Appropriate Action on Closed/Executive Session Matters**
6. **Discuss Consent Agenda Items for August 4, 2026, City Council Meeting**
7. **Adjournment**

Deborah Sorensen

Deborah Sorensen, TRMC, MMC, City Secretary

I certify that the above notice of meeting was posted on the bulletin boards located inside and outside the doors of the Municipal Center, 4000 Main Street, Rowlett, Texas, as well as on the [City's website](#) on July 28, 2026, by 5:30 p.m.

City of Rowlett City Council meetings are available to all persons regardless of disability. If you require special assistance, contact the City Secretary at 972-412-6109 or write 4000 Main St., Rowlett, Texas, 75088, at least 48 hours in advance of meeting.

City of Rowlett ~ 4000 Main Street, Rowlett TX 75088 ~ www.rowlett.com



**City of Rowlett
City Council Agenda Item**

Meeting Date: 8/3/2026

Agenda Item: 3.A.

Title

Receive a presentation regarding an update from Dallas Area Rapid Transit (DART).

Staff Representative

Carter Holston, Councilmember Place 5

Executive Summary

Receive a presentation regarding an update from Dallas Area Rapid Transit (DART).

Strategic Priority and Goal(s)

Background Information

Councilmember Holston requested an update/presentation from DART.

Discussion

N/A

Financial/Budget Implications

N/A

Recommended Action

N/A - Presentation only

Attachments

None

Meeting Date: 8/3/2026

Agenda Item: 3.B.

Title

Receive a presentation regarding text amendments to Section 77-510 of the Rowlett Development Code regarding exterior lighting.

Staff Representative

Allisen Ducay, Planning Manager

Executive Summary

The purpose of this item is to receive a presentation and discuss Section 77-510 of the Rowlett Development Code relating to exterior lighting standards. The proposed amendments establish residential lighting standards, clarify lighting terminology and measurement methods, and reorganize the ordinance for improved readability and administration.

Strategic Priority and Goal(s)

Strategic Priority	Strategic Goal
 Strengthen Neighborhood Livability	3.1 Value existing neighborhoods. 3.4 Support efficient development patterns and communicate clear policy guidance.

Background Information

On January 5, 2026, City Council directed staff to prepare amendments to the City's exterior lighting regulations to address residential lighting and shielding standards.

Following Council's direction, staff developed the proposed amendments and presented them to the Planning and Zoning Commission during a series of work sessions. The Commission discussed the proposed language, definitions, lighting standards, exemptions, and enforcement provisions before conducting a public hearing on June 9, 2026. Following the public hearing, the Commission recommended approval of the proposed amendments. The item was subsequently considered by the City Council at its June 16, 2026, meeting but was left open to allow for an additional work session presentation.

Discussion

The proposed ordinance updates Section 77-510 of the Rowlett Development Code by:

- Establishing residential lighting standards.
- Defining key lighting terminology to improve clarity and administration.
- Clarifying lighting measurement and compliance standards.
- Updating shielding, exemptions, and general lighting requirements.
- Reorganizing the ordinance for improved readability while maintaining the intent of the existing regulations.

The proposed amendments are intended to provide clearer standards for property owners, developers, and staff while minimizing impacts from lighting on adjacent properties.

Financial/Budget Implications

N/A

Recommended Action

This item has been placed on the August 4, 2026 regular City Council meeting for action.

Attachments

1. Attachment 1 - Current Ordinance
2. Attachment 2 - Proposed Ordinance

Sec. 77-510. Exterior lighting.

- A. *Purpose.* The general purpose of this section is to require outdoor lighting that is adequate for safety and convenience; in scale with the activity to be illuminated and its surroundings; directed to the surface or activity to be illuminated; and designed to clearly render people and objects and contribute to a pleasant nighttime environment. Additional specific purposes are to:
1. Provide safety and personal security as well as convenience and utility in areas of public use or traverse, for uses where there is outdoor public activity during hours of darkness;
 2. Control glare and excessive brightness to improve visual performance, allow better visibility with relatively less light, and protect residents from nuisance and discomfort;
 3. Control trespass light onto neighboring properties to protect inhabitants from the consequences of stray light shining in inhabitants' eyes or onto neighboring properties;
 4. Result in cost and energy savings to establishments by carefully directing light at the surface area or activity to be illuminated, using only the amount of light necessary; and
 5. Control light pollution to minimize the negative effects of misdirected light and recapture views to the night sky.
- B. *Applicability.*
1. *General.* All exterior lighting for any type of residential or nonresidential development shall comply with the standards of this section, unless exempted in below.
 - (a) *Lighting plan requirement.* All nonresidential developments shall submit a proposed exterior lighting plan. The plan must be submitted concurrently with the site plan or subdivision application. The exterior lighting plan shall include plans and specifications for streetlights, parking lot lights, and exterior building lights. The specifications shall include details of the pole, fixture height and design, lamp type, wattage, and spacing of lights.
 - (b) *Exempt lighting.* The following types of lighting are exempt from the requirements of this section.
 - (1) Soffit or wall-mounted luminaries that are permanently attached to single-family residential dwellings, not to exceed the height of the eave, and that do not produce glare onto adjacent properties or public streets.
 - (2) Public street and right-of-way lighting.
 - (3) Temporary decorative seasonal lighting provided that individual lamps have a light output of 200 lumens or less.
 - (4) Temporary lighting for emergency or nighttime work and construction.
 - (5) Temporary lighting for theatrical, television, and performance areas, or for authorized special events.
 - (6) Lighting for a special district, street, or building that, according to an adopted municipal plan or ordinance, is determined to require special lighting aesthetics as part of its physical character.
 - (7) Lighting required and regulated by the Federal Aviation Administration.
 - (8) Internally illuminated signs.
 - (9) Lighting for outdoor recreational uses such as ball diamonds, playing fields, tennis courts, and similar uses, provided that such uses comply with the following standards:

- i. Maximum permitted light post height: 80 feet.
 - ii. Maximum permitted illumination at the property line: two footcandles.
 - iii. Limits on hours of illumination: Exterior lighting shall be extinguished no later than 11:00 p.m. A waiver or deviation from this requirement may be granted by the city council.
- (c) *General review standard.* If installed, all exterior lighting shall meet the functional security needs of the proposed land use without adversely affecting adjacent properties or the community. For purposes of this section, properties that comply with the design and height standards set forth in (d) and (e) below shall be deemed to not adversely affect adjacent properties or the community.
- (d) *Design standards.* Exterior lighting is not required except for purposes of public safety. However, if installed, all exterior lighting shall meet the following design standards:
 - (1) Light sources shall be concealed or shielded with luminaries with shielding, skirts, or cut-offs with an angle not exceeding 90 degrees to minimize the potential for glare and unnecessary diffusion on adjacent property. For purposes of this provision, "cutoff angle" is defined as the angle formed by a line drawn from the direction of light rays at the light source or reflector, and a line perpendicular to the ground from the light source above from which no light is emitted. [Illustration needed.]
 - (2) Parking lots and other background spaces shall be illuminated as unobtrusively as possible while meeting the functional needs of safe circulation and protection of people and property. Foreground spaces, such as building entrances and outside seating areas, shall utilize local lighting that defines the space without glare. Floodlights shall not be utilized to light all or any portion of a building facade after normal business hours, except that if the seating area of a restaurant is closed and a drive-through remains open, the business shall be determined as open.
 - (3) The style of light standards and fixtures shall be consistent with the style and character of architecture proposed on the site.
 - (4) In no case shall exterior lighting add more than one footcandle to illumination levels at any point off-site. [Illustration needed.]
 - (5) All outdoor light not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off during non-operating hours.
 - (6) Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.
 - (7) For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building roof line.
 - (8) No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting.
- (e) *Height standards for lighting.*
 - (1) *In MU-DT, MU-TR, and MU-TS Districts—Downtown.* All exterior lighting luminaries shall be mounted no higher than 15 feet.
 - (2) *In C-2 District—Lakeview Parkway Corridor.* All exterior lighting luminaries shall be mounted no higher than 15 feet, except that lighting in parking lots containing more than 100 spaces shall have a maximum height of 25 feet.

- (3) *In C-3 District—President George Bush Turnpike Corridor south.* All exterior lighting luminaries shall be mounted no higher than 25 feet, except that lighting in parking lots containing more than 100 spaces shall have a maximum height of 35 feet, and exterior lighting luminaries within residential developments shall be mounted no higher than 15 feet.
- (4) *In MU-WF District—Waterfront Area.* All exterior lighting luminaries shall be mounted no higher than 15 feet.
- (5) *In other zone districts.* All exterior lighting luminaries shall be mounted no higher than 15 feet, except that lighting in parking lots containing more than 100 spaces shall have a maximum height of 25 feet.

(Ord. No. 025-06, § 1(Exh. A), 6-6-2006; Ord. No. 016-09, § 21, 6-2-2009; Ord. No. 022-14, § 7, 6-3-2014)

PROPOSED ORDINANCE

AN ORDINANCE OF THE CITY OF ROWLETT, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROWLETT, AS HERETOFORE AMENDED, BY AMENDING CHAPTER 77 “DEVELOPMENT CODE,” CHAPTER 77-500 “DEVELOPMENT AND DESIGN STANDARDS,” BY REPEALING AND REPLACING IN ITS ENTIRETY SECTION 77-510 “EXTERIOR LIGHTING;” PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Planning and Zoning Commission of the City of Rowlett, Texas and the governing body of the City of Rowlett in compliance with the laws of the State of Texas and the Ordinances of the City of Rowlett, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and in the exercise of its legislative discretion, the City Council has concluded that the Comprehensive Zoning Ordinance should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, THAT:

SECTION 1. The Comprehensive Zoning Ordinance of the City of Rowlett, Texas, as heretofore amended, is hereby further amended at Chapter 77 “Development Code,” Chapter 77-500, “Development and Design Standards” by repealing and replacing in its entirety section 77-510 “Exterior lighting” to read in its entirety as follows:

“Sec. 77-510. Exterior Lighting

A. *Purpose.* The general purpose of this section is to require outdoor lighting that is adequate for safety and convenience; in scale with the activity to be illuminated and its surroundings; directed to the surface or activity to be illuminated; and designed to clearly render people and objects and contribute to a pleasant nighttime environment. Additional specific purposes are to:

1. Provide safety and personal security as well as convenience and utility in areas of public use or traverse, for uses where there is outdoor public activity during hours of darkness;
2. Control glare and excessive brightness to improve visual performance, allow better visibility with relatively less light, and protect residents from nuisance and discomfort;

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3. Control trespass light onto neighboring properties to protect inhabitants from the consequences of stray light shining in inhabitants' eyes or onto neighboring properties;
4. Result in cost and energy savings to establishments by carefully directing light at the surface area or activity to be illuminated, using only the amount of light necessary; and
5. Control light pollution to minimize the negative effects of misdirected light and recapture views to the night sky.

B. *Applicability.*

1. *General.* This article applies to:
 - (a) New construction in commercial, industrial, and residential areas beginning on the date of the adoption by the City Council of the City Of Rowlett.
 - (b) Existing Light fixtures that exceed the limitations in section D.

C. *Definitions.*

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approving authority means City of Rowlett or its duly authorized deputy, agent or representative.

Candela means the unit of luminous intensity in a given direction.

Class I lighting means lighting used outdoors where color rendition is important, including, but not limited to, in areas for sales, recreation, assembly, eating, repair, advertising displays, billboards, and other signs.

Class II lighting means lighting used outdoors where color rendition is not important, including, but not limited to, illumination for walkways, roadways, equipment yards, parking areas, and outdoor security.

Cutoff fixture means a fixture that provides a shielding of the light emitted.

Diffusing luminaire means a luminaire that scatters light substantially in all directions as contrasted with a directional luminaire which confines its light principally in an angle of less than one hundred eighty (180) degrees.

Floodlight means a luminaire designed to project its light in a well-defined area and is directional in character.

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Floodlight beam means the angular spread of light between two (2) rectangular planes each of which equal ten (10) percent of the maximum candelas within the beam.

Footcandle means the amount of illumination provided by one (1) lumen uniformly distributed on one (1) square foot of surface.

Fixture means the assembly that holds the lamp in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or defractor (lens), the ballast, housing and the attachment parts.

Fluorescent lamp means a usually tubular electric lamp having a coating of fluorescent material on its inner surface and containing mercury vapor whose bombardment by electrons from the cathode provides ultraviolet light which causes the material to emit visible light.

Fully shielded means light fixtures that are constructed so all light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted, nearly one-hundred (100) percent cut-off type, as evidenced by the manufacturers photometric data.

Glare means direct lighting emitted from a luminary that causes reduced vision or temporary blindness.

High pressure sodium (HPS) means a high intensity discharge lamp where radiation is produced from sodium vapor at relatively high partial pressures (above one (1) atm).

Horizontal plane means a line horizontal to the lowest point on the fixture from which light is emitted.

Illumination means the density of the luminous flux (lumens) incident on a surface. It is the quotient of the luminous flux divided by the area of the surface, expressed in footcandles and often referred to as 'brightness'.

Incandescent lamp means any lamp that produces light by heating a filament through use of an electric current.

Installed means attached or fixed in place, whether or not connected to a power source or any outdoor light fixture.

Lamp means the source of electric light. To be distinguished from the whole assembly, lamp is used to denote the bulb and its housing.

Light emitting diode (LED) means a semiconductor diode that emits light when a voltage is applied to it and that is used especially in electronic devices (as for an indicator light).

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Light nuisance means light that is likely to cause unreasonable discomfort or distress to a reasonable person or to unreasonably interfere with the use or enjoyment of property.

Light source means a device (such as a lamp) which produces visible energy as distinguished from devices or bodies which reflect or transmit light such as a luminaire.

Light trespass means light falling outside the boundary of property for which it was originally intended or needed. Also referred to as spillover light or obtrusive light.

Low pressure sodium (LPS) means a discharge lamp where the light is produced by radiation from sodium vapor at a relatively low partial pressure (below 1 atm). LPS is a "tube source" monochromatic light.

Lumen means the quantity of luminous flux intercepted by a surface of one (1) square foot, all points of which are one (1) foot from a uniform source of one (1) candela. A one-candela source provides 12.57 lumens.

Luminaire means a device or fixture containing a light source and means for directing and controlling the distribution of light from the source.

Luminance means the luminous intensity per unit projected area of a given surface viewed from a given direction for purposes of this article expressed in candelas divided by distance squared.

Mercury lamp means a high intensity discharge lamp where light is produced by radiation from mercury vapor.

Metal halide lamp means a high intensity discharge lamp where light is produced by radiation from metal halide vapor.

Neon, krypton or argon discharge tubes means family of artificial light sources that generate light by sending an electric discharge through an ionized gas, a plasma.

Outdoor lighting fixture means an outdoor artificial illumination device, whether permanent or portable, used for illumination outdoors, including, but not limited to, devices used for search, spot, or flood lighting and area lighting for buildings, structures, recreational facilities, parking, landscape, advertising displays, billboards, signs, public and private streets, and walkways.

Partially shielded means shielding so that the lower edge of the shield is at or below the centerline of the light source or lamp so as to minimize light transmission above the horizontal plane, or at least ninety (90) percent of the emitted light projects below the horizontal plane as evidenced by the manufacturer's photometric data.

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Photometric means quantitative measurements of light levels and distribution.

Shielding means a physical structure intended to restrict emitted light.

Watt means the standard unit of power in the International System of Units (SI), equivalent to one (1) joule per second and equal to the power in a circuit in which a current of one (1) ampere flows across a potential difference of one (1) volt; 1000 watts is equal to one (1) kilowatt.

D. *Presumptions.*

(a) Light is presumed to be unreasonable and declared a light nuisance if the illumination or luminance is in excess of the limitations, or if the luminaire is improperly shielded, as provided in the tables below:

Table 1: Illumination Limits

Zoning Category	Footcandles	
	Horizontal	Vertical
Single-family and two-family residential districts	0.25	0.25
Multiple-family residential districts	0.5	0.5
Nonresidential districts	3.0	3.0
Light industrial districts	5.0	5.0
(A) The limit of illumination on neighboring property from one (1) establishment shall be based on the zoning category of the neighboring property. (B) Maximum computed or measured footcandles at the neighboring property line shall not exceed the limits found in this table.		

Table 2: Calculated Luminance Limits

Zoning Category	Limit
Single-family and two-family residential districts	0.02 footcandles
Multiple-family residential districts	0.05 footcandles
Nonresidential districts	0.30 footcandles
Light industrial districts	0.50 footcandles
(A) The permitted luminance on neighboring property from one (1) establishment shall be calculated based on the zoning of the neighboring property. (B) The luminance as calculated in Section 77-510 H. (b) shall not exceed the value based on zoning category.	

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Table 3: Shielding Requirements

Lamp Type	Class I Lighting-Color Rendition Important	Class II Lighting-Color Rendition Not Important
Low pressure sodium (LPS)	Fully shielded	Fully shielded
High pressure sodium (HPS)	Fully shielded	Fully shielded
Metal halide	Fully shielded	Fully shielded
Mercury vapor	Prohibited	Prohibited
Fluorescent	Partially or fully shielded	Fully shielded
Incandescent (over 150 watts/fixture)	Partially or fully shielded	Prohibited
Incandescent (under 150 watts/fixture)	Partially or fully shielded	Partially or fully shielded
Any light source 50 watts and under	Unshielded permitted	Unshielded permitted
Low intensity Neon, Krypton or Argon discharge tubes	Unshielded permitted	Unshielded permitted
Light emitting diode (LED)	Fully shielded	Fully shielded
(A) Shielding requirements apply to all outdoor lighting installations as specified in this table.		

E. *Affirmative defenses.*

(a) It shall be an affirmative defense to prosecution under this article that:

(1) The lighting is installed by a governmental agency for public benefit on public rights-of-way, parks, and public recreation areas;

(2) The lighting is emergency lighting by police, fire, and/or municipal, state, or federal government authorities;

(3) Temporary decorative seasonal lighting may be illuminated no more than 45 days before the holiday and shall not be illuminated 30 days after the holiday, provided holiday lights can be lit from 4pm to 11pm each day;

(4) The lighting is for public or private school outdoor recreational uses, including, but not limited to ball diamonds, playing fields, and tennis courts, if shielded to minimize light and glare from spilling over onto a residential zoned property. To constitute an affirmative defense, the maximum permitted illumination at the residential property line may not exceed two (2) foot-candles;

(5) Illumination at interior property lines on contiguous lots in a multi-tenant, non-residential development exceeds the limitations in subsection 77-510 D. when the approving authority determines it necessary to provide adequate and constant lighting levels of adjoining parking areas, fire lanes and interior access roadways.

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F. *Exemptions.*

(a) Permanent exemptions.

(1) Navigation and airport lighting required by the FAA for operation of aircraft are exempt from this article.

(2) Emergency lighting by police, fire and/or other municipal, state or federal government authorities and hospitals are exempt from this article.

(3) Seasonal decorative street lighting is exempt from this article.

(4) Public street and right-of-way lighting.

(5) Temporary decorative seasonal lighting provided that individual lamps have a light output of 200 lumens or less.

(6) Temporary lighting for emergency or nighttime work and construction.

(7) Temporary lighting for theatrical, television, and performance areas, or for authorized special events.

(8) Lighting for a special district, street, or building that, according to an adopted municipal plan or ordinance, is determined to require special lighting aesthetics as part of its physical character.

(9) Lighting for outdoor recreational uses such as ball diamonds, playing fields, tennis courts, and similar uses, provided that such uses comply with the following standards:

i. Maximum permitted light post height: 80 feet.

ii. Maximum permitted illumination at the property line: two footcandles.

iii. Limits on hours of illumination: Exterior lighting shall be extinguished no later than 11:00 p.m. A waiver or deviation from this requirement may be granted by Special Use Permit. A temporary waiver or deviation may be granted by the City Manager or designee for up to three (3) days.

(b) Temporary exemptions.

(1) The approving authority may approve temporary exemptions from the requirements of this article provided the duration of the approval is not more than fourteen (14) days from the date of approval. Temporary exemptions may be granted for two (2), two-week periods each calendar year per legal business having a valid certificate of occupancy. A two-week period will commence on the day the exemption is approved. The two (2),

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two-week periods shall not occur in the same or consecutive months. A legal business shall include any commercial, industrial, or institutional use for which a certificate of occupancy is issued.

(2) Any person may submit a written request, on a form prepared by the city, to the approving authority for a temporary exemption request. The request shall contain the following information:

- a. Specific exemption(s) requested.
- b. Type/use of outdoor lighting fixture involved.
- c. Duration of time requested.
- d. Type of lamp and calculated footcandles.
- e. Total wattage of lamp(s).
- f. Proposed location of fixtures.
- g. Previous temporary exemption requests.
- h. Physical side of fixtures and type of shielding to be provided.
- i. Such other data or information as may be required by the approving authority.
- j. The approving authority shall have five (5) working days from the date of the submission request to act, in writing, on the request.

(3) Requests for renewal of exemptions shall be processed in the same way as the original request. Each renewal shall be valid for not more than fourteen (14) days.

(4) Approval of temporary exemptions will be based on the effect of location and use of outdoor lighting fixtures.

G. *Illumination computation.*

Illumination at a point may be computed in lieu of measurement. Computation methods shall consist of a generally accepted Illuminating Engineering Society method, using certified photometric data furnished by the fixture manufacturer, lamp manufacturer, photometric laboratory, or other reliable authority satisfactory to the city. Computations shall be based on new, properly seasoned lamps, new and clean fixtures, and at rated voltage and wattage, with ballasts, lenses, shields, diffusers, and other appurtenances in place, and with proper regard taken for mounting height, relative elevation, natural and manmade objects.

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H. *Luminance calculation.*

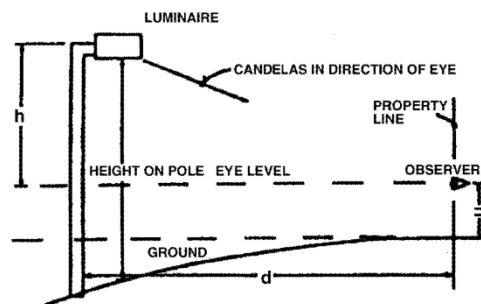
(a) Calculations generally. If illumination measurements are not practical and no other means of measuring fixture luminance is immediately available, a computational method as defined in section 77-510 H. (b) for measuring luminance may be used to determine compliance with this article.

(b) Luminance calculations using luminaire photometric data. For the purpose of this article, the luminance shall be computed by the formula:

$$L = \frac{I}{(d^2 + h^2)}; hg; \frac{I}{(d^2 + h^2)}$$

Where I is the fixture candelas in the direction of the point from which the calculations are to be made, d is the shortest distance in feet measured horizontally from the property line to a point directly under the luminaire, and h is the height of the luminaire above the eye level as explained in figure A below.

Figure A: Factors for Luminance Determination



I. *General requirements.*

(a) Hours of operation shall be complied with in all installations, except as specified in subsection (h).

(b) Outdoor advertising, displays, and signs not exclusively illuminated internally, may only utilize illuminating devices mounted on the top and pointing downward on the advertising display structure. All such installations shall comply with all other provisions of this article.

(c) Exterior outdoor lights shall be constructed and installed in a manner consistent with this article and shall be located so as not to produce direct illumination across the building property line.

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(d) Sky glow external outdoor lights shall be constructed and installed in a manner so as to conform with the requirements in subsection 77-510 D.(a)(1).

(e) Light trespass from external outdoor lights shall be constructed and installed in a manner so as to conform with requirements of this article.

(f) Luminaires which are directed toward a viewer shall be aimed in such a manner that the viewer's eye, at least five (5) feet above grade at or beyond the property line, shall not be exposed to fixture luminance within the floodlight beam of the luminaire.

(g) Outdoor advertising signs constructed of translucent materials and wholly illuminated from within do not require shielding.

(h) Class I lighting used for illumination of:

(1) Outdoor sales and eating areas, on-site advertising, assembly areas, repair areas and businesses may be operated during the hours that the facility is open to the public.

(2) Off-site advertising displays and billboards or signs may be operated from dusk to 11:00 p.m. only, unless fully shielded and pointing downwards from the horizontal plane.

(3) (i) Recreational and sporting areas may operate from dusk to 10:00 p.m. except to conclude a specific recreational or sporting event, tournament or similar activity which was in progress prior to 10:00 p.m. for no more than one (1) day in any seven (7) day period, lasting no later than 11:00 p.m.

(ii) For facilities owned, leased or otherwise controlled by the city, light usage may be extended to allow activities to conclude after 11:00 p.m. with approval of the parks and recreation department. For approval, the activity must be part of a league, season or tournament which has an immediate completion deadline.

(i) Permitted class II lighting may be operated anytime (walkways, roadways, equipment yards, parking areas and outdoor security).

(j) The maximum outdoor initial computed or measured illuminance level on an establishment property shall not exceed twenty-five (25) footcandles at any point, except that lighting under canopies (such as service stations) shall not exceed forty (40) footcandles.

(k) Laser source and strobe lights, in addition to other high intensity light sources for advertising or entertainment, shall not be projected above the horizontal plane, unless a permit is obtained for specific events and timeframes.

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(l) Searchlights are prohibited unless required in an emergency as declared by the city, or permitted as a part of a permitted special event in which the operating hours are from dusk to 9 p.m.

(m) *General review standard.* If installed, all exterior lighting shall meet the functional security needs of the proposed land use without adversely affecting adjacent properties or the community. For purposes of this section, properties that comply with the design and height standards set forth in (d) and (e) below shall be deemed to not adversely affect adjacent properties or the community.

(n) *Design standards.* Exterior lighting is not required except for purposes of public safety. However, if installed, all exterior lighting shall meet the following design standards:

(1) Light sources shall be concealed or shielded with luminaries with shielding, skirts, or cut-offs with an angle not exceeding 90 degrees to minimize the potential for glare and unnecessary diffusion on adjacent property. For purposes of this provision, "cutoff angle" is defined as the angle formed by a line drawn from the direction of light rays at the light source or reflector, and a line perpendicular to the ground from the light source above from which no light is emitted.

(2) Parking lots and other background spaces shall be illuminated as unobtrusively as possible while meeting the functional needs of safe circulation and protection of people and property. Foreground spaces, such as building entrances and outside seating areas, shall utilize local lighting that defines the space without glare. Floodlights shall not be utilized to light all or any portion of a building facade after normal business hours, except that if the seating area of a restaurant is closed and a drive-through remains open, the business shall be determined as open.

(3) The style of light standards and fixtures shall be consistent with the style and character of architecture proposed on the site.

(4) All outdoor lights that are not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off during non-operating hours.

(5) Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.

PROPOSED ORDINANCE

(6) For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building roof line.

(7) No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting.

(o) *Height standards for lighting.*

(1) *In MU-DT, MU-TR, and MU-TS Districts—Downtown.* All exterior lighting luminaries shall be mounted no higher than 15 feet.

(2) *In C-3 District—President George Bush Turnpike Corridor south.* All exterior lighting luminaries shall be mounted no higher than 25 feet, except that lighting in parking lots containing more than 100 spaces shall have a maximum height of 35 feet, and exterior lighting luminaries within residential developments shall be mounted no higher than 15 feet.

(3) *In MU-WF District—Waterfront Area.* All exterior lighting luminaries shall be mounted no higher than 15 feet.

(4) *In other zone districts.* All exterior lighting luminaries shall be mounted no higher than 15 feet, except that lighting in parking lots containing more than 100 spaces shall have a maximum height of 25 feet.

J. *Plan submittal and appeal.*

(a) The applicant for any permit required by any provision of the laws of this city in connection with the proposed work involving outdoor lighting fixtures shall submit (as part of the application for a building permit) evidence that the proposed work will comply with this article. In order to determine compliance, the submission shall, at a minimum, contain the following information:

(1) Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors and other devices;

(2) Description of the illuminating devices, fixtures, lamps, supports, reflectors, automatic controls and other devices may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required); and

(3) Photometric data, such as that furnished by manufacturers, or similar data showing the angle of cutoff fixtures or light emissions.

PROPOSED ORDINANCE

(b) *Lighting plan requirement for new developments.* All new developments shall submit a proposed exterior lighting plan. The plan must be submitted concurrently with the site plan or subdivision application. The exterior lighting plan shall include plans and specifications for streetlights, parking lot lights, and exterior building lights. The specifications shall include details of the pole, fixture height and design, lamp type, wattage, and spacing of lights.

(c) The above required plans, description and data shall be sufficiently complete to enable the plans examiner to readily determine whether the proposed lighting complies with the requirements of this article. If such plans, descriptions and data cannot enable this ready determination, by reason of the nature of configuration of the devices, fixtures or lamps proposed, the applicant shall additionally provide reports of tests submitted a plan review and verified by an engineer in the field.

(d) If any subdivision proposes to have installed street or other common public area outdoor lighting, the site plan shall contain a statement certifying that the applicable provisions of this article, the City of Rowlett Outdoor Lighting Code, will be adhered to.

(e) Should an applicant wish to change any outdoor light fixture or the type of light after the permit has been issued, the applicant shall submit a change request, together with adequate information to assure compliance with this article, to the approving authority for approval. No substitution is permitted until the change request is granted by the approving authority.

(f) Appeal of any decision made by the approving authority under this article will be heard by the Planning & Zoning Commission.

K. *Offenses.*

(a) It shall be an offense for any person to intentionally, knowingly, or recklessly emit or cause to be emitted a light nuisance:

(1) In a public place; or

(2) On private property that the person has no right to occupy.

(b) It shall be an offense for a person to intentionally, knowingly, or recklessly make, cause to be made, or allow a light nuisance on property owned by them or subject to their care, custody or control.

PROPOSED ORDINANCE

(c) The issuance of a certificate of occupancy, land occupancy permit, or other permit issued by City of Rowlett shall not be a defense to prosecution under this article unless otherwise expressly provided in this article.

L. Administrative Guidance

The city is authorized to promulgate one or more interpretive documents to aid in the administration of, and compliance with, this Section. Such interpretive documents shall be educational only and shall not constitute regulations, amendments, or exceptions.

M. *Enforcement.*

The city manager or the manager's designee shall have authority to enforce this article.

N. *Penalty.*

(a) It shall be an offense to intentionally or knowingly fail to comply with any provision of this article. Any person intentionally or knowingly violating a provision of this article shall be punished by a fine not to exceed two-thousand dollars (\$2,000.00). Each day a violation occurs shall constitute a separate offense.

(b) Repeat and habitual offenders.

(1) If it is shown on the trial of an offense under this article that the defendant has previously been finally convicted of an offense under this article, on conviction the person shall be punished by a fine of not less than five hundred dollars (\$500.00).

(2) If it is shown on the trial of an offense under this article that the defendant has previously been finally convicted of two (2) or more offenses under this article, on conviction the person shall be punished by a fine of not less than one thousand dollars (\$1,000.00).

(3) This subsection for repeat and habitual offenders applies only to a person finally convicted of a second or subsequent offense within three (3) years of the date on which the most recent preceding offense was committed.”

SECTION 2. In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Rowlett and the provisions of this Ordinance, the provisions of this Ordinance shall be controlling.

PROPOSED ORDINANCE

SECTION 3. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, or the Rowlett Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 4. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Rowlett Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 5. This ordinance shall take effect immediately from and after its passage.

4923-3200-2996, v. 1

Meeting Date: 8/3/2026

Agenda Item: 3.C.

Title

Receive a presentation and update regarding amendments to the Code of Ordinances, Article XI "Short-Term Rentals" Chapter 10 "Businesses", Article XI "Rental Housing", Division 7 "Short Term Rentals".

Staff Representative

Andrew Espinoza, Asst. Director Community Director/Chief Building Official

Executive Summary

The proposed ordinance amendments are intended to address ongoing community concerns related to short-term rentals and establish reasonable standards governing the density and operation of short-term rentals to promote responsible management and regulatory compliance. The proposed regulations are designed to enhance oversight, improve safety, and support neighborhood compatibility while maintaining opportunities for short-term rental activity. Overall, the amendments seek to balance economic interests with the City's responsibility to protect the health, safety, and welfare of its residents.

Strategic Priority and Goal(s)

Strategic Priority	Strategic Goal
 Strengthen Neighborhood Livability	3.1 Value existing neighborhoods. 3.2 Sustain a community that is appealing to people at all stages of life.

Background Information

At their April 1, 2025, meeting, the City Council adopted Ordinance ORD-012-25 regulating Short Term Rentals. Although the city currently maintains an adopted short-term rental ordinance, updates have been recommended to strengthen its effectiveness. Specifically, the City Council established a subcommittee to assess the current ordinance and propose amendments to realize additional density regulations aimed at ensuring that short-term rental operations remain safe, compliant, and compatible with residential neighborhoods.

The proposed amendments respond to ongoing community concerns regarding noise, parking, traffic congestion, and other operational impacts that negatively impact quality

of life. The revisions are intended to improve oversight while maintaining a balanced approach to short-term rental regulation.

Discussion

These updated requirements seek to create a more balanced framework that supports responsible operation and preserves neighborhood integrity.

At their June 15, 2026, work session, the City Council received additional feedback to include amending Section 10.453 to define “Serious Incident”; amending Section 10-460 “Proof of Insurance”; amending Section 10-477 “Revocation of Permit” and providing a severability clause; providing a conflict clause; and providing an effective date.

There was City Council consensus to proceed with an ordinance amendment which includes the following.

Definitions

“Serious incident” means an incident involving criminal conduct, as defined by city ordinance, state law, or federal law, committed at the premises of the STR by the owner, operator, an occupant, guest or visitor of the STR that substantially interferes with the use or enjoyment of private or public property and is reasonably likely to induce fear in persons of ordinary sensibilities, including but not limited to, conduct involving child abuse, sexual offenses, discharge of firearms, and offenses causing serious bodily injury or death.

“Owner occupied” means an STR that is occupied by an owner on a full-time basis.

Signage

The owner of a short-term rental property must attach a weatherproof sign on the front door of a short-term rental identifying the operation of a short-term rental, name of the local point of contact telephone number and contact information, and information code regarding City short term rental ordinance regulations.

The requirements of this section shall not apply to any STR that is owner-occupied on a full-time basis.

Proof of Insurance

The owner of an STR must maintain at least \$2,000,000 in liability insurance and provide proof of coverage with their permit application, keep a certificate of insurance on file with the City, and notify the City within 30 days if the insurance is canceled.

Grounds for Revocation or Suspension of Permit

The proposed amendment establishes procedures for the suspension and revocation of a permit when a serious incident occurs. If it is determined that a serious incident occurred within the preceding year and the permit holder knowingly disregarded a substantial risk of the incident occurring, the STR application or permit shall be

suspended for up to nine months during the related criminal investigation or prosecution.

Permit applications shall be suspended for nine (9) months during the investigation or prosecution and will be denied for one year following a conviction for criminal conduct constituting a serious incident.

Existing issued permits shall be suspended during the investigation or prosecution and will be revoked upon conviction. If the criminal investigation results in the charges being dismissed or not being prosecuted, the suspension will be terminated. The permit will be reinstated for the remainder of the term.

Financial/Budget Implications

The changes would not have any budget or financial impact on the city.

Recommended Action

No action at this time.

Attachments

1. Proposed Ordinance Amending STR

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS AMENDING THE CODE OF ORDINANCES, AS HERETOFORE AMENDED, AT CHAPTER 10 “BUSINESSES,” ARTICLE XI “RENTAL HOUSING,” DIVISION 7 “SHORT TERM RENTALS” BY AMENDING SECTION 10.453 TO ADD A DEFINITION OF “SERIOUS INCIDENT;” BY ADDING A NEW SECTION 10.458A “DENSITY REGULATIONS; EXCEPTIONS; BY AMENDING BY AMENDING SECTION 10-459 TO REQUIRE AN EXTERIOR SIGN; BY AMENDING SECTION 10-460 “PROOF OF INSURANCE;” BY AMENDING SECTION 10-477 “REVOCATION OF PERMIT;” PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CONFLICTS CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council finds that the availability of safe, decent, and affordable long-term housing and peaceful, quiet enjoyment of the community character of the neighborhoods of the City is essential to the health, safety, and welfare of City residents; and

WHEREAS, the City Council further finds that the proliferation of short-term rental properties may reduce the supply of housing available for permanent residents; and

WHEREAS, the City Council finds that concentrations of short-term rental properties in residential neighborhoods has and does create secondary impacts including increased noise, parking congestion, refuse and solid waste violations, and general disruptions to neighborhood character, peace, and quiet enjoyment of their homes by citizens; and

WHEREAS, the City Council recognizes that short-term rentals can provide economic benefits to property owners, visitors, and the local economy when appropriately regulated; and

WHEREAS, the City Council finds that reasonable regulation of the location, density, and operation of short-term rental properties is necessary to balance economic opportunity with the preservation of residential neighborhoods; and

WHEREAS, the City Council finds it to be in the best interest of the citizens of the City and to serve the public health, safety and general welfare to amend the City’s short term rental ordinance to provide density regulations and exceptions thereto and further to provide a requirement for an exterior sign containing contact information for every short term rental unit;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS THAT:

SECTION 1. The findings set forth above and determined by the City Council to be true and correct and are incorporated herein by this reference.

SECTION 2. The Code of Ordinances of the City of Rowlett, Texas, as heretofore amended, is hereby amended at Division 7 “Short-Term Rentals” of Article XI “Rental Housing” of Chapter 10 “Businesses” by amending Section 10.453 “Definitions” to add a definition of “Serious Incident” which shall be listed alphabetically among the definitions set forth therein and which shall read in its entirety as follows:

“Serious incident means an incident involving criminal conduct, as defined by city ordinance, state law, or federal law, committed at the premises of the STR by the owner, operator, an occupant, guest or visitor of the STR that substantially interferes with the use or enjoyment of private or public property and is reasonably likely to induce fear in persons of ordinary sensibilities, including but not limited to, conduct involving child abuse, sexual offenses, discharge of firearms, and offenses causing serious bodily injury or death.

SECTION 3. The Code of Ordinances of the City of Rowlett, Texas, as heretofore amended, is hereby amended at Division 7 “Short-Term Rentals” of Article XI “Rental Housing” of Chapter 10 “Businesses” by adding a new section 10.458A to be entitled “Density regulations; exceptions” to read in its entirety as follows:

“DIVISION 7 SHORT-TERM RENTALS

Section 10.458A Density regulations; exceptions

- (a) No permit shall be issued to any single-family property or any duplex, townhome or other multifamily building or structure containing up to four dwelling units that is within a 1,000 foot radius of another single-family property or another duplex, townhome or other multifamily building or structure containing up to four dwelling units for which a current, valid short-term rental permit has been issued and remains in effect, including a property for which the short-term rental permit has been revoked where that revocation is currently on appeal.
- (b) No permit shall be issued for more than two units contained in any single multifamily building or structure containing more than four dwelling units.
- (c) For purposes of this section, streets and alleys are counted in determining the 1,000 foot radius.
- (d) Permit applications will be processed in the order received.
- (e) Exceptions: This section shall not apply to properties located within the Form Based Bayside Special District.“

SECTION 4. The Code of Ordinances of the City of Rowlett, Texas, as heretofore amended, is hereby amended at Division 7 “Short-Term Rentals” of Article XI “Rental Housing” of Chapter 10 “Businesses” by amending section 10.459 to now be entitled “Local point of contact” and to read in its entirety as follows:

“DIVISION 7 SHORT-TERM RENTALS

Section 10.459 Local point of contact

- (a) An owner must designate the name and contact information of a local point of contact who can be contacted regarding immediate concerns and complaints from the public regarding the short term rental property. The local point of contact must be available in person or by phone at all times while occupants are on the premises of the short-term rental. If called, the local point of contact must be present at the short-term rental premises within one hour of a call from the administrator or his/her designee. The local point of contact must be authorized to make decisions regarding the short-term rental premises and its occupants. The local point of contact must be authorized to and shall not refuse to accept service of citation for any violations on the short-term rental premises. Acceptance of service shall not act to release the owner of any liability under this division.
- (b) Subject to the exception set forth in subsection (c) of this section, the owner of every short-term rental property shall permanently affix a durable, weather-proof sign or plaque within six inches of the front door of the short-term rental unit containing the following information, in the order listed, printed in English:
 - a. The following statement: “This property is operating as a short-term rental. Any issues with its operations should be immediately reported to:”
 - b. The name of the local point of contact for the short-term rental;
 - c. The telephone number that the local point of contact will answer twenty-four hours a day, seven days a week to respond to complaints regarding the property; and
 - d. The following statement: “Further information can be obtained by scanning this code using your cellular telephone camera:
[QR CODE PROVIDED BY CITY SHALL BE INSERTED HERE].”

The sign or plaque required by subsection (b) must be at least eight inches by ten inches in size, visible and unobstructed from view for an individual standing at the front property line, and the information must be printed in font large and plain enough to be easily read by an individual positioned at the front door of the short-term rental.

- (c) The requirements of subsection (b) of this section shall not apply to any STR that is owner-occupied on a full-time basis.”

SECTION 5. The Code of Ordinances of the City of Rowlett, Texas, as heretofore amended, is hereby amended at Division 7 “Short-Term Rentals” of Article XI “Rental Housing” of Chapter 10 “Businesses” by amending section 10.460 “Proof of insurance required” to read in its entirety as follows:

“It shall be unlawful for the owner of premises operated as a short-term rental to operate without host protection or other comparable liability insurance providing similar coverages for the operations of the short-term rental that provides coverage of \$2,000,000.00 per occurrence. A certificate of insurance must be on file with the administrator. Proof of insurance shall be required at the time of application and notice of cancellation of insurance must be made to the administrator within 30 days.”

SECTION 6. The Code of Ordinances of the City of Rowlett, Texas, as heretofore amended, is hereby amended at Division 7 “Short-Term Rentals” of Article XI “Rental Housing” of Chapter 10 “Businesses” by amending section 10.477 to now be entitled “Revocation or suspension of Permit” and to read in its entirety as follows:

- “(a) *Grounds for revocation or denial of permit.* In addition to grounds related to the permit application set forth herein and subject to the provisions of subsection (b) hereinbelow, any permit application shall be denied and/or any permit issued hereunder shall be revoked by the administrator if the permit holder has:
- (1) Received, within the preceding 12-month time period, more than two citations for a violation of this division or any other provision of this Code of Ordinances or state or federal law that does not constitute a serious incident;
 - (2) Failed or refused to comply with an express condition of the permit and remains in noncompliance ten days after being notified in writing of such noncompliance;
 - (3) Knowingly made a false statement in the application; or
 - (4) Otherwise become disqualified for the issuance or holding of a permit under the terms of this ordinance.
- (b) *Suspension or revocation based on serious incident.* If the administrator determines by a preponderance of the evidence, that at least one serious incident occurred at the STR premises within one (1) year preceding the date of the administrator’s written determination and the director determines that the permit holder was aware of but consciously disregarded a substantial risk of the serious incident occurring, then:
- (1) in the case of an application for registration, permit, the application shall be suspended for up to nine months during investigation and/or prosecution related to the serious incident and, on or after the date of conviction for the criminal conduct constituting the serious incident, the application shall be deemed denied until one year after

- the date of the last serious incident. In the event that the investigation and/or prosecution leads to the criminal charges being dismissed and/or not prosecuted, the suspension shall be terminated, and the application date shall be the date the suspension was terminated; and
- (2) in the case of a permit already issued, the permit shall be suspended for up to nine months during investigation and/or prosecution related to the serious incident and, on or after the date of conviction for the criminal conduct constituting the serious incident, any permit previously issued shall be revoked. In the event that the investigation and/or prosecution leads to the criminal charges being dismissed or not prosecuted, the suspension shall be terminated and the permit reinstated for the remainder of its term, if any.
- (c) For purposes of this subsection (b) of this section:
- (1) the administrator may meet the preponderance of the evidence standard for showing that at least one serious incident occurred by evidence which may include, but shall not be limited to: evidence of criminal enforcement action, criminal investigative action, issuance of a criminal citation, and/or criminal prosecution for the serious incident; and
- (2) the administrator may meet the preponderance of the evidence standard for showing conviction of at least one serious incident by evidence which may include, but shall not be limited to: evidence of a conviction which shall include an adjudication of guilt, a plea of no contest, or a plea of guilty.
- (d) *Notice.* Notice of the suspension, denial, or revocation shall be given to the permit holder in writing, with the reasons therefor specified in the notice, served either by personal service or by certified United States mail to their last known address. The suspension, denial, or revocation shall become effective the day following the personal service or, if mailed, three days from the date of mailing.
- (e) *Appeal; hearing.* The permit holder shall have ten days from the date of such suspension, denial, or revocation in which to file notice with the administrator of appeal from the order suspending, denying, or revoking the permit. The administrator shall provide for a hearing on the appeal in accordance with the provisions of this division.
- (f) *One-year waiting period.* In the event a permit holder's short-term rental permit for a premises is revoked by the administrator, no second or additional permit shall be issued for a short-term rental to that owner or for that premises during the following permit year, said permit year to commence on January 31 immediately following the date of permit revocation."

SECTION 7. Should any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provisions thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 8. All provisions of the ordinances of the City of Rowlett in conflict with the provisions of this Ordinance are hereby repealed and all other provisions of the ordinances of the City of Rowlett not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 9. This Ordinance shall take effect immediately from and after its passage and publication as the law and charter in such cases provide.

4929-1789-6377, v. 1

Meeting Date: 8/3/2026

Agenda Item: 3.D.

Title

Receive a presentation and update regarding amendments to the Code of Ordinances, Article IV "Regulation of Sex Offender Residency" Ordinance Chapter 34 by amending Section 34.71.

Staff Representative

Andrew Espinoza, Asst. Director Community Director/Chief Building Official

Executive Summary

The City currently enforces a prohibition that restricts certain registered sex offenders from residing within 1,000 feet of locations where children commonly gather. These locations include, but are not limited to schools, parks, arcades, recreational facilities, daycares, and similar uses. The purpose is to enhance public safety by reducing the chances that repeat sexual offenders can harm others, especially children. This amendment aims to partner with property renters, deter future crimes, and protect vulnerable individuals by increasing awareness and oversight.

Strategic Priority and Goal(s)

Strategic Priority	Strategic Goal
 Strengthen Neighborhood Livability	3.1 Value existing neighborhoods. 3.2 Sustain a community that is appealing to people at all stages of life.

Background Information

The city currently maintains adopted short-term and long-term rental ordinances; however, updates have been recommended to strengthen their effectiveness regarding public safety. Specifically, the proposed amendments introduce requirements for short-term and long-term rental properties that would prohibit property owners from leasing to a registered sex offender when located 1,000 feet from areas where children commonly gather. The intent of this amendment is to further protect the health, safety, and general welfare of the public. The City is seeking to strengthen these provisions by addressing rental housing situations.

Discussion

The proposed amendment would update Article IV, "Regulation of Sex Offender Residency" of Chapter 34 "Miscellaneous Offenses", Section 34-71 and would prohibit property owners from leasing, subleasing, or renting residential property to registered sex offenders when the property is located within 1,000 feet of areas where children commonly gather. This additional measure is intended to reinforce existing regulations, close potential gaps in enforcement, and enhance protections for vulnerable populations within the community.

Offenses

It is unlawful to let, sublet, or rent any place, structure, or part thereof, manufactured home trailer, or any other conveyance, with a knowledge that it will be used as a permanent or temporary residence by any person prohibited from establishing such permanent residence or temporary resident pursuant to the terms of this chapter if such place is located with 1000 feet from a premise where children commonly gather.

Enforcement

An offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the code of ordinances. Any person firm or corporation violating any of these provisions of this ordinance are the codes adopted here by, as same, may be amended, shall be deemed guilty of a misdemeanor and subject to a penalty has provided for in the ordinance, and upon conviction shall be punished by fine not to exceed the sum of five hundred dollars (\$500.00) for each offense.

At their May 5, 2026, Council meeting, City Council made the decision to allow further consideration of this topic and to allow new Councilmembers to be updated on the proposed changes.

This ordinance shall take effective immediately upon the passage and adoption.

Financial/Budget Implications

The changes would not have any budget or financial impact on the city.

Recommended Action

No action required.

Attachments

1. Ordinance Sex Offender Residency- Property Owner Rental Prohibition

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ROWLETT, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF ROWLETT, TEXAS, AT ARTICLE IV ("REGULATION OF SEX OFFENDER RESIDENCY") OF CHAPTER 34 ("MISCELLANEOUS OFFENSES") BY AMENDING SECTION 34-71 TO PROVIDE FOR AN ADDITIONAL OFFENSE PROHIBITING PROPERTY OWNERS FROM RENTING CERTAIN REAL PROPERTY TO REGISTERED SEX OFFENDERS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Rowlett has heretofore adopted prohibitions pertaining to registered sex offenders, prohibiting certain registered sex offenders from residing within 1,000 feet of places where children commonly gather; and

WHEREAS, the City Council finds that it will serve the public health, safety and general welfare to prohibit property owners from renting real property that is located within 1,000 feet of premises where children commonly gather to registered sex offenders;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS THAT:

SECTION 1: Chapter 34, " Miscellaneous Offenses," of the Code of Ordinances, City of Rowlett, Texas, be and is hereby amended at Article IV, "Regulation of Sex Offender Residency," by amending section 34-71 to add a new subsection (c), to read in its entirety as follows:

**"CHAPTER 34
MISCELLANEOUS OFFENSES**

...

ARTICLE IV. REGULATION OF SEX OFFENDER RESIDENCY

...

Sec. 34-71. - Offenses.

(a) ...

(b) ...

(c) It is unlawful to let, sublet, or rent any place, structure, or part thereof, manufactured home, trailer, or any other conveyance, with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to the terms of this chapter, if such place, structure, or part thereof, manufactured home, trailer, or other conveyance is located within one thousand (1,000) feet, as defined in section 34-72, from a premise where children commonly gather, as defined in section 34-70."

SECTION 2. All ordinances of the City of Rowlett, Texas, in conflict with the provisions of this ordinance be and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of the ordinance shall remain in full force and effect.

SECTION 3. An offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances and ordinances of the City, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 4. Should any section, paragraph, sentence, subdivision, clause, phrase or provision of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be unconstitutional, illegal, or invalid and shall not affect the validity of the remainder of this ordinance or any other provision of the Code of Ordinances of the City.

SECTION 5. Any person, firm or corporation violating any of the provisions or terms of this ordinance or the codes adopted hereby, as same may be amended, shall be deemed guilty of a misdemeanor and subject to a penalty as provided for in this ordinance, and upon conviction shall be punished by fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense.

SECTION 6. This ordinance shall take effect immediately upon its passage and adoption and the publication of the caption as the law and charter in such cases provide.

4917-9984-8841, v. 1

Meeting Date: 8/3/2026

Agenda Item: 3.E.

Title

Receive a presentation regarding the process for the selection of a City Prosecutor.

Staff Representative

Kristoff Bauer, Interim City Manager

Executive Summary

The City has issued an RFP for prosecutorial services and staff is seeking feedback regarding the selection and appointment process.

Strategic Priority and Goal(s)

Strategic Priority	Strategic Goal
 GOVERN TRANSPARENTLY & INCLUSIVELY	1.8 Provide accurate and timely information to policy-makers and the public.

Background Information

The City Council took action on December 14, 2021, to appoint the law firm of Messer, Fort & McDonald to act as the City's prosecutor. The firm has assigned this responsibility to attorneys within the firm. Paige Goings has been assigned and served as the City's prosecutor for approximately the past two years. Staff has not been able to locate a service contract with the Messer, Fort & McDonald firm for these services.

Discussion

The Rowlett City Charter, Section 5.07 (1) states:

"Appointment – The City Council shall appoint by four (4) affirmative votes of the City Council a competent, duly qualified attorney licensed and practicing in the State who shall serve as the City Attorney for Municipal Court Prosecution also to be known as the City Prosecutor."

The City issued an RFP for prosecutorial services on July 10th. Submissions are scheduled to be received by July 29th. Options for selecting and appointing a prosecutor include:

Option A: Staff reviews submissions and identifies a recommended firm. That firm is scheduled for interview by Council at a Work Session. Based on feedback, staff

negotiates a contract with the candidate firm or individual and that appointment and contract are placed on a Council agenda for consideration.

Option B: Staff reviews submissions and identifies up to three recommended firms. Those firms are scheduled for interview by Council at a Work Session. Based on feedback, staff negotiates a contract with the preferred candidate firm or individual and that appointment and contract are placed on a Council agenda for consideration.

Option C: Council appoints a three-member subcommittee to review submissions. That Subcommittee then presents a recommendation to the Council at a Work Session. Based on feedback, staff negotiates a contract with the preferred candidate firm or individual and that appointment and contract are placed on a Council agenda for consideration.

Financial/Budget Implications

NA

Recommended Action

no action - Feedback regarding preferred process for appointing a City Prosecutor

Attachments

1. Attachment 1 - December 14, 2021 Staff Report
2. Attachment 2 - RES-152-21 Appointing Messer, Fort & McDonald - Prosecutorial Services for Municipal Court



CITY OF ROWLETT COUNCIL AGENDA ITEM

AGENDA DATE: 12/14/2021

AGENDA ITEM: 7I

TITLE

Consider action to approve a resolution appointing the firm of Messer, Fort & McDonald to provide prosecutorial services for the City of Rowlett's Municipal Court and authorizing the Mayor to sign on the City's behalf.

STAFF REPRESENTATIVE

Brian Funderburk, City Manager

EXECUTIVE SUMMARY

In November, the City Prosecutor resigned. As a result, the Court Governance Committee is recommending that we contract with the firm of Messer, Fort & McDonald for prosecutorial services for the City of Rowlett.

STRATEGIC PRIORITY AND GOAL(S)

Strategic Priority	Strategic Goal
 ENSURE A SAFE COMMUNITY	2.4 Fairly and impartially administer the municipal judicial system.

BACKGROUND INFORMATION

On November 1, 2021, Amy Thomas – City Prosecutor, notified the City of her intention to resign on November 28, 2021.

On November 16, 2021, the Court Governance Committee updated the Council on the status of prosecutorial services and recommended that the City acquire the services of a City Prosecutor on an interim and permanent basis.

DISCUSSION

The efficiency of operations and judicial services in the City's Municipal Court is dependent upon having all of the critical players including a judge, prosecutor, court clerk and bailiff. With the resignation of the previous City Prosecutor in November, the City needs to appoint a new City Prosecutor.

The City Prosecutor is a required position in the City's Home Rule Charter. Section 5.07 states that the City Council appoint "*a competent, duly qualified attorney licensed and practicing in the State who shall serve as the City Attorney for Municipal Court Prosecution also to be known as the City Prosecutor.*" In addition, the duties of the position are listed below.

SECTION 5.07 City Prosecutor

(2) Duties -- The City Prosecutor shall:

- (A) Represent the City and the State of Texas in proceedings and litigation in the Rowlett Municipal Court; and
- (B) Provide training and legal updates to the Rowlett Police Department regarding duties related to the prosecution of municipal court cases; and
- (C) All other duties required by law including the duty to see that justice is done.

In November, the Court Governance Committee took up this measure and recommended several individuals to serve in an interim capacity. At this time, the Court Governance Committee is recommending that the City hire the firm of Messer, Fort & McDonald to provide ongoing prosecutorial services for the City.

The webpage for Messer, Fort & McDonald states the following:



We represent local governmental entities in all aspects of the law, from Annexations to Zoning. For more than 20 years, Andy Messer, Julie Fort and Brenda McDonald and their team of talented counselors have proven that their insight, knowledge, and determination to help local governments resolve difficult issues and litigate a wide range of matters,

which also includes appeals to the Texas and U.S. Supreme Courts, is second to none.

FINANCIAL/BUDGET IMPLICATIONS

The City budgets for these services. The previous prosecutor was paid an hourly rate of \$130.00 and we are currently in discussions with Messers, Fort & McDonald to determine that hourly rate.

The previous City Prosecutor was an individual and treated as an employee for the purposes of serving as City Prosecutor. Messer, Fort & McDonald is a qualifying firm that hires and pays benefits to their employees. As a result, we will move the budget for the City Prosecutor from salaries and benefits to professional consulting for legal services to cover the cost of this contract.

The current annual budget for the City Prosecutor is \$107,858.

RECOMMENDED ACTION

Move to approve a resolution appointing the firm of Messer, Fort & McDonald to provide prosecutorial services for the City of Rowlett's Municipal Court.

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, APPOINTING THE FIRM OF MESSER, FORT & MCDONALD TO PROVIDE PROSECUTORIAL SERVICES FOR THE CITY OF ROWLETT'S MUNICIPAL COURT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Prosecutor for the City of Rowlett has resigned; and

WHEREAS, the City of Rowlett Home Rule Charter requires a City Prosecutor; and

WHEREAS, the law firm of Messer, Fort & McDonald is an experienced and qualifying firm that provides such services to municipalities.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS:

SECTION 1: The City of Rowlett does hereby approve the appointment of the law firm of Messer, Fort & McDonald to provide prosecutorial services for the City of Rowlett's Municipal Court.

SECTION 2: This resolution shall become effective immediately upon its passage.



City of Rowlett
Official Copy

4000 Main Street
Rowlett, TX 75088
www.rowlett.com

Resolution: RES-152-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS, APPOINTING THE FIRM OF MESSER, FORT & MCDONALD TO PROVIDE PROSECUTORIAL SERVICES FOR THE CITY OF ROWLETT'S MUNICIPAL COURT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Prosecutor for the City of Rowlett has resigned; and

WHEREAS, the City of Rowlett Home Rule Charter requires a City Prosecutor; and

WHEREAS, the law firm of Messer, Fort & McDonald is an experienced and qualifying firm that provides such services to municipalities.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS:

SECTION 1: The City of Rowlett does hereby approve the appointment of the law firm of Messer, Fort & McDonald to provide prosecutorial services for the City of Rowlett's Municipal Court.

SECTION 2: This resolution shall become effective immediately upon its passage.

At a meeting of the City Council on December 14, 2021 this Resolution be adopted. The motion carried by the following vote:

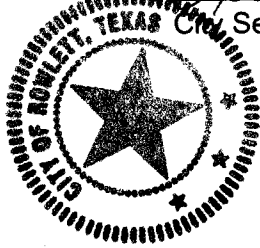
Ayes: 7 Mayor Dana-Bashian, Mayor Pro Tem Grubisich, Deputy Mayor Pro Tem Sherrill, Councilmember Margolis, Councilmember Laning, Councilmember Bell and Councilmember Brown

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Approved by Tommy Davis Bashua Date December 14, 2021
Mayor

Approved to form by [Signature] Date December 14, 2021
City Attorney

Certified by Saura Hallmark Date December 14, 2021
City Secretary



Meeting Date: 8/3/2026

Agenda Item: 3.F.

Title

Discuss a possible Charter Amendment Election for May 2027 and appointing members to the Charter Review Commission.

Staff Representative

Jeff Winget, Mayor
 Deborah Sorensen, City Secretary

Executive Summary

The City Council is requested to consider convening a Charter Review Commission for the purpose of reviewing and considering amendments to the City Charter.

Strategic Priority and Goal(s)

Strategic Priority	Strategic Goal
 GOVERN TRANSPARENTLY & INCLUSIVELY	1.8 Provide accurate and timely information to policy-makers and the public.

Background Information

The City of Rowlett Home Rule Charter Article XII – Adoption Of Charter, Section 12.02 – Amendment of Charter, states:

“Amendments to this Charter may be framed and submitted to the qualified voters of the City as provided by the Texas Constitution and the laws of the State as presently enacted or hereafter amended; but no more often than once every two (2) years, as provided by the laws of the State.”

And Section 12.03 – Charter Review Commission, states:

1. Appointment – The City Council shall appoint a Charter Review Commission at least once every five (5) years. The Charter Review Commission shall consist of seven (7) citizens of the City.
2. Scope – The City Council shall determine the minimum scope of the review by the Commission. The Commission shall determine whether the Charter requires revision or amendment. The Commission may request factual information

concerning the operation of the City and such information may be provided in writing or orally. The Commission may hold public hearings regarding the Charter. The Commission shall make recommendations for changes to the Charter without any consideration of the impact upon staff or cost to the City. The Commission shall report its findings and present its recommendations regarding the Charter to the City Council at a regular or special meeting.

3. *Term – The term of office of the Commission shall be for not more than twelve (12) months, at the end of which time a report shall be presented to the City Council and all records of proceedings of the Commission shall be filed with the City Secretary and become a public record.*

The most recent appointment of a Charter Review Commission occurred August 16, 2022, meaning a new Commission must be appointed no later than August 16, 2027. The most recent Charter Amendment Election took place in May 2023, which puts May 2027 in the eligible time frame for an election.

Discussion

As noted above, the City Council shall determine the minimum scope of the review by the Commission. Establishing a minimum scope does not otherwise limit the overall scope of the Commission's review. Some items to consider are:

1. Clarification of Sec. 3.20 – Public Comment, to consider expanding general public-comment participation from “citizens of the City” to “members of the public.”
2. Review Sec. 5.06 regarding bonding requirements for City officers and employees who handle City funds, including whether fidelity, crime, or other insurance coverage may satisfy the Charter's intended protections.
3. Adding provisions addressing the form, delivery, effective date, acceptance, and consequences of a voluntary resignation by the Mayor or a Councilmember.
4. Review of Sec. 2.04 – Enumerated Governmental Powers, (14) Land Use, to consider removing the requirement that the city shall annually update the official city map by ordinance.
5. Review Sec. 3.03 – Candidacy of the Mayor and Councilmembers, (1) Qualification, and Sec. 3.09 – City Council Vacancies and Attendance, (3), regarding candidate eligibility and forfeiture of office following criminal conviction, including whether additional disqualifying offenses should be included and how final convictions, appeals, deferred adjudication, pardons, and restoration of eligibility should be treated.
6. Amending Sec. 4.03(7) to require the City Manager to attend Council meetings unless excused by the City Council, including from all or a portion of a meeting involving consideration of the City Manager's performance.
7. Consideration of single-member districts, at-large representation, or a hybrid system for Council Places 1–6, including district residency, population equality, redistricting procedures, transition provisions, and election sequencing.
8. Review Secs. 3.21 and 3.22 regarding ethics and conflicts of interest, including

consideration of a twelve-month restriction prohibiting a former Mayor or Councilmember from being employed by the City, appointed to a compensated City office or position, or contracted to provide services to the City.

9. Conduct an overall review to identify scrivener's errors, grammatical corrections, obsolete references, and formatting inconsistencies, with non-substantive corrections to be addressed through Sec. 12.04 where legally appropriate.

Should the City Council wish to move forward with appointing a Charter Review Commission, seven (7) voting members must be selected, along with the option to appoint some number of non-voting alternates (previously, this number was 2) to serve as voting members in the event of the vacancy of a voting member. At least one non-voting City Council liaison (but preferably two) should be identified as well. Furthermore, the City Council may direct that the Charter Review Commission elect its own chair and vice chair at the first meeting of the Commission.

Any recommendations submitted by the Commission would be reviewed by the City Council and City Attorney before an election is ordered. The City Council retains final discretion on which, if any, amendments are placed on the ballot. Proposed amendments may need to be separated into individual propositions to comply with state-law single-subject requirements. The election schedule must also provide sufficient time for legal drafting, required publication, ballot-language review, and ordering an election with Dallas and Rockwall Counties.

Furthermore, there is presently no election scheduled for May 2027. Should a Charter Review Commission be convened, and the City Council ultimately decide to call an election, then the cost of the election would be a point of consideration.

Financial/Budget Implications

Presently, there is no election contemplated in May 2027. Should the City Council wish to call an election for amendments to the City Charter or for any other reason, there would be a cost in contracting with Dallas County Elections and Rockwall County Elections for the polling sites and election administration.

Additional costs could include legal review, required publication, public engagement, demographic or redistricting services, and other professional assistance necessary to develop and present proposed amendments.

Recommended Action

Is there consensus from City Council on the following questions:

1. Is it the consensus of Council to convene a Charter Review Commission?
2. Does Council concur with the proposed minimum scope of review, subject to any additions or deletions identified during the discussion?
3. Should the Commission conduct its work on a schedule that would permit a possible May 2027 Charter Amendment Election?

Should staff return to the August 18 meeting with a resolution to establish the

Commission, appoint members, provide a scope of work, and identify one or more City Council liaisons?

Attachments

1. Attachment 1 - Home Rule Charter - 2023



HOME RULE CHARTER

Charter Amendment Election

May 6, 2023

ROWLETT CITY COUNCIL

Mayor Blake Margolis
Mayor Pro Tem Jeff Winget
Deputy Mayor Pro Tem Debra Shinder
Councilmember Brian Galuardi
Councilmember Matt Grubisich
Councilmember Mike Britton
Councilmember Pamela Bell

CITY APPOINTED OFFICIALS

Brian Funderburk, City Manager
Laura Hallmark, City Secretary
Christopher Kilgore, Chief Judge
David Berman, City Attorney

CHARTER REVIEW COMMISSION

Elise Bowers, Chair
Deborah Crosby
Mary DuBose
Kellie McKee
Michael Schupp
Lee Shaw
Vicki Stallcup-Causey
Mike Volz
Tamra Williams
Jeff Winget, Brian Galuardi – Council Liaisons

Amended by Election on May 6, 2023



Proposition A: *“Shall Subsection (2) of Section 3.09 (“City Council Vacancies and Attendance”) of the Rowlett City Charter be amended to include absences from special as well as regular meetings, as opposed to regular meetings exclusively, in determining whether a member of the Council has forfeited the office?”*
FOR – 75.12%, AGAINST – 24.88%

Proposition B: *“Shall Subsection (2) of Section 3.14 (“Meetings of City Council”) of the Rowlett City Charter be amended to provide that special meetings of the Council may be called at the request of the City Manager, three members of the City Council, or the Mayor, as opposed to the Mayor or a majority of the members of the City Council?”*
FOR – 69.75%, AGAINST – 30.25%

Proposition C: *“Shall Subsection (7) of Section 2.03 (“Municipal Court”) of the Rowlett City Charter be amended so that the Clerk of the Municipal Court shall be appointed by the City Manager with input from the Chief Judge, and that Deputy Clerks shall be appointed by the City Manager as appropriate?”*
FOR – 65.78%, AGAINST – 34.22%

Proposition D: *“Shall Subsection (4) of Section 5.04 (“Municipal Judge”) of the Rowlett City Charter be amended so that the removal of the Judges of the Municipal Court may be accomplished, according to State law, with or without cause, after a hearing and by a 2/3 majority vote of the full City Council?”*
FOR – 70.76%, AGAINST – 29.24%

Proposition E: *“Shall Subsection (2) of Section 12.03 (“Charter Review Commission”) of the Rowlett City Charter be amended so that, in appointing a Charter Review Commission, the City Council shall determine the minimum scope of the Commission’s review of the Charter?”*
FOR – 74.13%, AGAINST – 25.87%

Proposition F: *“Shall Subsection (3) of Section 12.03 (“Charter Review Commission”) of the Rowlett City Charter be amended so that, appointment of a Charter Review Commission shall be no longer than 12 months?”*
FOR – 83.04%, AGAINST – 16.96%

HOME RULE CHARTER

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**HOME RULE CHARTER
FOR
THE CITY OF ROWLETT, TEXAS**

PREAMBLE

We, the citizens of Rowlett, Texas, in order to establish a Home Rule municipal government, provide for the progress of our city, secure fully the benefits of local self-government, promote economic and cultural prosperity, provide for the common welfare, insure health and safety, support municipal cooperation, and encourage all citizens to participate in the process of self-governing, hereby adopt this Home Rule Charter, as an expression of our city's purpose and in accordance with the statutes of the State of Texas; and we declare the City of Rowlett, in Dallas and Rockwall Counties, to be a political subdivision of the State of Texas with all powers, rights, privileges, authorities, duties and immunities of local self-government as are provided and limited in this Charter.

ARTICLE I

Form of Government and Boundaries

SECTION 1.01 Form of Government

The municipal government provided by this Charter shall be known as the "Council-Manager Government". Pursuant to its provisions and subject only to the limitations imposed by the Constitution of the United States, the Texas Constitution, the statutes of the State of Texas, and this Charter, all powers of the City of Rowlett shall be vested in an elected City Council, hereinafter referred to as the "City Council", which shall enact local legislation, adopt budgets, determine policies, appoint the City Manager, and such other officers as expressly provided herein. The City Manager shall be responsible to the City Council for the execution of the laws and the administration of the government of the City of Rowlett. All powers of the City of Rowlett shall be exercised as prescribed by this Charter.

SECTION 1.02 Boundaries

The boundaries of the City of Rowlett shall be the same as have been heretofore established and now exist as recorded on the official City map as provided by this Charter. The citizens of the City of Rowlett residing within its corporate limits, as heretofore or hereafter established, are hereby constituted and shall continue to be a municipal body politic and corporate, in perpetuity, under the name of the "City of Rowlett", hereinafter referred to as the "City", in the State of Texas, hereinafter referred to as the "State", with such powers, privileges, rights, duties, authorities, and immunities, as are herein provided.

SECTION 1.03 Extension and Alteration of Boundaries

- (1) The City Council shall have power by ordinance to fix the boundary limits of the City; and to provide for the alteration and the extension of said boundary limits and the annexation of additional territory lying adjacent to the City, with or without the consent of the inhabitants of the territory annexed in accordance with State law¹. When any additional territory has been so annexed, same shall be a part of the City and the property situated therein shall bear its pro rata part of the taxes levied by the City and thereafter the inhabitants shall be entitled to all the rights and privileges of all citizens, and shall be bound by the acts, ordinances, resolutions, and regulations of the City. The City shall thereafter, by ordinance, amend the official map of the boundaries to include such property so annexed.
- (2) The City Council may, in its exclusive discretion, by ordinance exclude from the City any territory within the corporate limits of the City, in accordance with State law².
- (3) The City Council may, in its exclusive discretion, by ordinance exclude from the City any territory within the corporate limits of the City when and if at least sixty percent (60%) of the inhabitants thereof qualified to vote for members of the City Council shall present a verified petition requesting that such territory be discontinued as a part of the City and tender to the City Secretary with such petition a sum of money equivalent to that percentage of the then outstanding indebtedness of the City for bonds and warrants and a fair proportion of the then existing budget which the assessed value of all property within such territory on the tax rolls and next preceding the presentation of such petition bears to the total value of all property on said rolls. The City Council shall never, regardless of the facts and circumstances, be required to discontinue any territory as a part of the City except at its exclusive discretion expressed by ordinance.

ARTICLE II

Powers of the City

SECTION 2.01 Powers of the City

- (1) The City is made a body politic and corporate by the legal adoption of this Charter. The City shall have all the powers vested in home rule municipal corporations except as may be limited by the Constitution of the United States, the Texas Constitution, and the statutes of the State.
- (2) The enumeration of particular powers by the Charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated therein or implied thereby, or appropriate to exercise of such powers, it is intended that the City shall have, and may exercise all powers except as limited by this Charter. All powers of the City, whether expressed or implied, shall be exercised as prescribed by this Charter or, if not prescribed therein, then as provided by ordinance or resolution of the City Council.

SECTION 2.02 Legislative Authority

The City by and through its City Council shall have the power to enact and enforce all ordinances and resolutions necessary to protect health, life, and property; and to prevent and summarily abate and remove all nuisances; and preserve and enforce good government and order and security of the City and its inhabitants; and to enact and enforce all ordinances and resolutions on any and all subjects which shall be consistent with the provisions of this Charter.

SECTION 2.03 Municipal Court

- (1) Establishment – The City shall create and establish a municipal court to be known as the Municipal Court of the City of Rowlett, Texas.³ The Municipal Court shall have jurisdiction of all criminal cases arising under the ordinances of the City and concurrent jurisdiction with the Justice of the Peace of the precinct of which the City is or may be situated of all criminal cases arising under State law⁴, where such offenses are committed either within the territorial limits of the City or in an area lying outside the corporate limits of the City in which area the City is authorized to exercise its police powers as set forth but not necessarily limited to the areas provided by State law⁵ and where the punishment is by fine only and the maximum of said fine does not exceed the maximum fine authorized to be imposed by municipal courts under the State law⁶ or any amendments thereto.
- (2) Additional Courts – The City shall have the power to create and establish additional municipal courts, and to appoint one or more judges of each municipal court, whether one or more, each of whom shall be a magistrate and each judge of a municipal court, now existing or hereinafter created, shall be appointed by the City Council, for a term as defined in Section 5.04 (“Municipal Judge”) of this Charter; and the City shall have the power to create and establish additional courts as may from time to time be authorized by the legislature of the State.
- (3) Civil and Concurrent Jurisdiction – The Municipal Court shall have civil jurisdiction as provided by State law⁷ or ordinance of the City Council. The Municipal Court shall have concurrent jurisdiction as may be established pursuant to State law.
- (4) Take-Line Jurisdiction – The Municipal Court shall also have jurisdiction, both separately and jointly, with any other governmental entity over any such offense committed within the area lying between the water line of Lake Ray Hubbard and the take-line⁸ of the City of Dallas.
- (5) Rules – All complaints, prosecutions, the service of process, commitment of those convicted of offenses, the collection and payment of fines, the attendance and service of witnesses and juries, bail and the taking of bonds, and punishment for contempt shall be governed by the laws of the State of Texas.
- (6) Appeals – Appeals from convictions in the Municipal Court shall be governed by the laws of the State of Texas.
- (7) Clerk – The Clerk of the Municipal Court shall be appointed by the City Manager with input from the Chief Judge of the Municipal Court. Deputy Clerks shall be appointed by the City Manager as appropriate. The Clerk and Deputy Clerks shall

have the power to administer oaths and affidavits, make certificates, affix the seal of the Municipal Court thereto, and generally do and perform any and all acts usual and necessary by clerks of courts in issuing processes of courts and conducting the business thereof.

- (8) Expense and Fines - All special expense and fines imposed by the Municipal Court(s) shall be paid into the City general fund for the use and benefit of the City, as may be consistent with present and future laws.

SECTION 2.04 Enumerated Governmental Powers

- (1) Real Estate - The City has full authority as a Home Rule municipal corporation and as such it has authority to acquire and own real estate in fee simple title, or held by lease, sufferance, easement or otherwise, all public buildings and improvements, and structure or whatever type and character, and any and all property, whether real or personal, of whatever kind, character or description now owned or controlled by the City shall vest in, inure to, remain and be the property of said City under this Charter. In the event that the City shall lease any real property in excess of twenty (20) years, the City Council shall hold a public hearing.
- (2) Public Rights-Of-Way - The City shall have the power to lay out, establish, open, alter, widen, lower, extend, grade, construct, abandon, and improve streets, alleys, sidewalks, squares, parks, public places, bridges, and public thoroughfares or rights-of-way; and to otherwise regulate and control the use thereof for any and all public purposes all obstructions, telegraph, telephone or other poles, carrying electric wires or signs, and all showcases and encroachments of every nature and character upon any said street, right-of-way and sidewalk, and to vacate and close public ways; and the City shall have the power to make any improvements as provided by State law⁹.
- (3) Regulation of Vehicles - The City shall have the power by ordinance or otherwise to license, operate, and control the operation of any vehicle using public streets or rights-of-way.
- (4) Regulation of Railroads - The City shall have the power by ordinance or otherwise to direct and control, within the City limits, the speed of engines, locomotives, and motor cars operating on railroad tracks.
- (5) Regulation of Public Utilities - The City shall have the power to buy, own, sell, construct, lease, maintain, operate, and regulate public services and utilities; and to manufacture, distribute, and sell the output of such services and utility operations. The City shall have such regulatory and other powers as may or hereafter be granted under State law¹⁰; and, by ordinance, to determine, fix, and regulate the charges, fares or rates of compensation to be charged by any person, firm or corporation enjoying a franchise for utilities in the City.
- (6) Operation of Public Services or Utilities by City - The City shall have the power to build, construct, purchase, own, lease, maintain, and operate, within or without the City limits, light and power systems, water systems, sewer systems or sanitary

disposal, natural gas, parks drainage, and any other public service or utility; power to borrow and encumber such system or systems, as deemed in the public interest.

- (7) Purchase Utility Services – The City shall have the power to purchase electricity, gas, oil or any other article or service essential to protect the health, safety, and welfare of its inhabitants on such terms as the City Council may deem proper.
- (8) Transportation Facilities – The City may acquire, maintain, operate and regulate any, and all modes of transportation facilities or services; and, use public funds for such purposes, and issue such debt or funds as permitted by this Charter. The City must secure approval by voter referendum before establishing and/or participating in an air transportation facility of any kind.
- (9) Parks and Recreation – The City may acquire, maintain, operate, and regulate within its exclusive control all City parks and recreation facilities whether within or without the City limits.
- (10) Underground Utilities – The City may require the placing under the surface of the ground all wires or any above ground construction of any public utilities within any limits of the City under such regulation as may be prescribed by the City Council from time to time.
- (11) Fire Prevention – The City shall provide for the establishment and designation of fire limits and prescribe the kind and character of buildings or structures or improvements to be erected therein; provide for the erection of fireproof buildings within certain limits; and provide for the condemnation of dangerous structures of buildings or dilapidated buildings or buildings calculated to increase the fire hazard, and the manner of their removal or destruction.
- (12) Public Safety – The City shall have the power by ordinance to establish and maintain a police and fire department(s) by whatever name known and to prescribe the duties of the members of each such department(s) and regulate their conduct and their salary ranges. The head of the police department of the City shall be known and designated as "Chief of Police"; and the head of the fire department of the City shall be known and designated as "Fire Chief". The City Council shall provide by ordinance staff requirements for each such department.
- (13) Contracts – The City shall have the power to enter into contracts for goods and services. Such authority is subject to the limitation regarding competitive bidding as provided by State law¹¹ or as may otherwise be limited by this Charter. The City or anyone acting on its behalf shall not make any contract for goods, materials, services or supplies for the current use of any department of the municipality for more than one (1) year, except as provided by State law¹². The City hereby adopts the requirements and exceptions concerning the provisions of State law¹³ regarding goods and acquisition.
- (14) Land Use – The City shall have full power and authority to zone and regulate the subdivision of land in the City and to pass all necessary ordinances, rules and regulations governing the same under and by virtue of the authority given to cities and legislative bodies in accordance with State law¹⁴. The City will maintain an

official city map describing the official city limits as required by State law¹⁵. The City Council shall update the official city map annually by ordinance.

- (15) Franchises – The City shall have full power and authority to franchise as provided by this Charter.

SECTION 2.05 Health Regulations

- (1) Regulations – The City shall have the power to provide for the health, safety, and welfare of its inhabitants by establishing all necessary rules and regulations protecting the health, safety, and welfare of the City.

A. The City shall have the power by ordinance or otherwise to regulate, license and inspect persons, firms, corporations, common carriers, or associations operating, managing, or conducting any activities including, but not limited to, any of the following:

- i. place of public accommodation, hotel or any other public sleeping or eating place;
- ii. place or vehicle where food or drink of any kind is manufactured, prepared, stored, packed, served, sold or otherwise handled within the City or limits of said City;
- iii. any and all health conditions; and
- iv. any sanitary sewer and to require property owners to connect their premises with such system; to provide for fixing penalties for failure to make sanitary sewer connections; and to provide for fixing a lien against any property owners' premises who fails or refuses to make sanitary sewer connections and to charge the cost against said owner and make it a personal liability; to fix charges and compensation to be charged by the City for sewer services, and to provide rules and regulations for the collection thereof.

B. The City shall have the power to define all nuisances and prohibit the same within the City and outside the City limits for a distance in accordance with State law¹⁶; to have power to police in all parks or grounds, street right-of-way owned by the City or under lease to the City and lying both outside and inside said City; to prohibit the pollution of air or waterways, walkways of any kind, water deposit and reservoir, whether above or below the ground, which may constitute the source of storage of water supply, and to provide for policing the same, as well as to provide for the protection of any watersheds and the policing of the same.

- (2) Penalties or Fines – The City shall have the power to provide for the fixing of penalties for failure of any person, firm, corporation or association to comply with any such rules and regulations so prescribed by the City under the provisions of this section; it being the intention to vest in the City not only the powers expressly enumerated in this section but all other powers reasonably necessary for the protection of the health of the City and its citizens.

- (3) The sale of liquor in all residential sections of the City is prohibited; however, the City Council may authorize the sale of liquor in residential sections appropriately zoned for mixed use.

ARTICLE III

City Council

SECTION 3.01 Governing Body

The governing body of the City shall be known as the “City Council” and shall consist of a Mayor and six (6) Councilmembers.

SECTION 3.02 Elected Officers

- (1) Members – The members of the City Council of the City, which include the Mayor and six (6) Councilmembers, shall be the only elected officers of the City, they shall be elected and hold office, and be compensated as provided herein.
- (2) Terms – The Mayor and Councilmembers shall be elected by the qualified voters of the entire City for a term of three (3) years, or until a successor has been duly elected and qualified, but each Councilmember shall be elected to and occupy a place on the City Council, such places being numbered 1, 2, 3, 4, 5, and 6, respectively. The places of the Councilmembers shall be developed on the official ballot as Councilmember Places 1, 2, 3, 4, 5, and 6.
- (3) Term Limits – An individual shall serve no more than two (2) consecutive three (3) year terms as Mayor. An individual shall serve no more than two (2) consecutive three (3) year terms as Councilmember. After an individual vacates an office, if fifty percent (50%) or less remains of the individual’s term, the term shall be considered a full term for reasons of calculating term limits.
- (4) Pattern – In May of 2004, the Mayor and Councilmember Places 2, 4, and 6 shall be elected to three (3) year terms. In May of 2005, Councilmember Places 1, 3, and 5 shall be elected to three (3) year terms. In May of 2006, no City Council elections are anticipated except to possibly fill a vacancy. The “four-three-none” (4-3-0) pattern of elections shall continue into the future.
- (5) Residency – As a qualification of office, the Mayor and all members of the Council shall be residents of the City during their term of office.

SECTION 3.03 Candidacy of the Mayor and Councilmembers

- (1) Qualification – No person shall be a candidate for the office of Mayor or Councilmember unless such candidate is a qualified voter of the City and shall have resided in the City for not less than one (1) year preceding the day of the election and should not be in arrears in the payment of any taxes to the City, unless such arrearage is subject to a lawful protest.

- (2) Declaration – Candidates of the office of Mayor or Councilmember may have their names printed upon the official ballot being nominated for such office by written petition signed by twenty-five (25) qualified voters.
- (3) Filing – A nominating petition stating a declaration of candidacy shall be filed with the City Secretary or a duly appointed designee, who shall affix the date and time stamp on the ballot application, during regular office hours not earlier than the 75th day before the day of the election. The candidate's ballot application must be filed within the times set by state law¹⁷. The City Hall shall not remain open after normal business hours to accept ballot applications.
- (4) Verification - The City Secretary shall as quickly as possible examine each such petition and check the qualifications of the signers thereto. If a petition is found insufficient, the City Secretary shall, upon discovering such insufficiency, immediately deliver to the person who filed it a statement certifying wherein the petition is found insufficient. Within the regular time for filing petitions a new petition may be filed for the same candidate. The petition of each candidate nominated to be a member of the City Council shall be preserved by the City Secretary until the expiration of the term of office for which such candidate has been nominated. Any person filing a petition at or near the deadline for filing assumes the risk that if such petition be found not valid said candidate will not have time to file a corrected petition.

SECTION 3.04 Election

- (1) All candidates running for Mayor or Councilmember shall be elected by a majority vote of all votes cast in the regular municipal election for the office which the candidate seeks election.
- (2) In the event that a candidate does not receive a majority of votes, it shall be the duty of the City Council to order a runoff election for every place or Mayor to which no one was elected. Such runoff election shall be held in accordance with state law.
- (3) Should any person who was a candidate at the regular municipal election and who is entitled to become a candidate at the runoff election die, refuse or otherwise be unable to appear on the runoff election ballot, the candidate for such office standing next highest in the computation of vote for that office shall succeed to the rights of such candidate who failed to appear on the ballot at said runoff election. This method for selecting alternate runoff candidates shall be employed until there are two (2) candidates for each office in each runoff election and should there be only one candidate for office after the conclusion of this progress, that candidate shall be declared the winner. However, if at the date of the election, there is no runoff candidate left from those who sought to be elected to that place or Mayor in the regular election, the City Council shall declare no one elected to such place or Mayor; and shall call a Special Election on such date provided by State law¹⁸ to elect a person to such place or Mayor; and said Special Election shall be conducted

pursuant to State law¹⁹ prescribing special elections to fill vacancies in municipal offices.

SECTION 3.05 Judge of Election

- (1) The City Council shall be the judge of the qualifications of its own members and of the Mayor, subject to review of the courts in case of an election contest. The City Council shall, in accordance with State law²⁰, canvass the returns for any election and declare the results of such election.
- (2) In the event of a tie vote between candidates, the respective candidates so tied may agree to cast lots to determine who shall be the duly elected officer. In the event such tied candidates do not agree to determine the results of the election by casting lots, a run-off election shall be called and the respective candidates so tied shall cast lots to determine the order their names shall appear on the ballot for such run-off elections. The candidate receiving the highest number of votes of the entire City cast at said run-off election shall be elected to such office.

SECTION 3.06 Date and Conduct of Election

The regular municipal election of the City Council shall be held on a uniform election date, in accordance with this Charter and state law²¹, and the same shall be conducted and the results canvassed and announced in accordance with the laws of the State regulating all municipal elections and in accordance with the ordinances adopted by the City Council for the conduct of elections.

SECTION 3.07 Qualifying of Officers

The Mayor, Councilmembers, and other officers appointed under this Charter shall qualify by taking the oath prescribed by the Texas Constitution and by executing such bond as may be required under the provisions of this Charter and the ordinances and resolutions of the City.

SECTION 3.08 Candidates Holding Special Positions with the City

- (1) In the event that the Mayor or any Councilmember shall announce their candidacy, or shall in fact become a candidate, for election to any public office other than the office then held, at any time when the unexpired term of the office then held shall exceed one year and 30 days, such announcement or such candidacy shall constitute an automatic resignation of the office then held, and the vacancy thereby created shall be filled by majority vote of the qualified voters at a special election called for such purpose within one hundred and twenty (120) days after such vacancy or vacancies occur.
- (2) In the event any member of any body appointed by the City Council shall become a candidate for the office of Mayor or Councilmember, such position on such board shall be considered vacated upon election and qualification.
- (3) Any City employee who shall become a candidate for the office of Mayor or Councilmember shall immediately forfeit such position of employment and such

ballot application shall be accompanied by said employee's written resignation, the acceptance of which shall require no further act.

SECTION 3.09 City Council Vacancies and Attendance

- (1) In the event of a vacancy existing in the office of Mayor or any Councilmember from any cause whatsoever, the vacancy or vacancies occurring shall be filled by the qualified voters at an election within one hundred twenty (120) days after such occurs, as prescribed by the State law²². If the term of office or offices is or are unexpired, the number of members elected at such election shall serve in such office or offices for the remainder of the unexpired term of such office or offices following the date of the election.
- (2) The office of a member of the City Council failing to attend three (3) consecutive meetings of the City Council, whether regular or special, without being excused by the City Council shall be declared vacated by a majority vote of all the remaining members of the City Council. Any member of the City Council remaining absent for six (6) consecutive meetings of the City Council, whether regular or special, shall be deemed to have forfeited such office.
- (3) Any person elected to serve on the City Council, who, subsequent to taking office is convicted of a felony or theft shall automatically be deemed to have forfeited such office.
- (4) In case of disaster when a legal quorum of the City Council cannot be assembled due to multiple deaths or injuries, the surviving members of the City Council, or the highest surviving City official if no elected official remains, must, within twenty-four (24) hours of such disaster, or as soon as practicable, take such action as to ensure the basic health, safety and welfare of the citizens and undertake whatever action is necessary under the laws of the State to call for a special election. Until such election is held and the City Council qualified, the remaining members or highest ranking officer if no elected official remains, shall only undertake those actions necessary to protect the basic health, safety and welfare of the citizens which such action may be subsequently ratified by the full City Council.

SECTION 3.10 Mayor Pro-Tem and Deputy Mayor Pro-Tem

- (1) No later than July of each calendar year, the City Council shall annually select from among the Councilmembers a Mayor Pro-Tem and Deputy Mayor Pro-Tem to serve at the pleasure of the City Council.
- (2) The Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor, and in this capacity shall have the rights conferred upon the Mayor.
- (3) The Deputy Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor and Mayor Pro-Tem, and in this capacity shall have the rights conferred upon the Mayor.
- (4) During the disability or absence of the Mayor, the Mayor Pro-Tem, and the Deputy Mayor Pro Tem, any Councilmember may be appointed by the remaining four (4)

Councilmembers to act as Mayor and in this capacity shall have the rights conferred upon the Mayor.

SECTION 3.11 Compensation for the Mayor and Councilmembers

- (1) The Mayor shall receive a stipend in the sum of five hundred dollars (\$500.00) per month. The stipend in no event shall exceed the sum of six thousand dollars (\$6,000) per annum for the Mayor.
- (2) Each Councilmember shall receive a stipend in the sum of three hundred dollars (\$300.00) per month. The stipend in no event shall exceed the sum of three thousand six hundred dollars (\$3,600) per annum for Councilmembers.
- (3) In addition, the City Council shall establish by ordinance or resolution the standards and policies concerning reimbursement of reasonable expenses incurred by the Mayor and Councilmembers in their official capacity.

SECTION 3.12 Duties of Mayor

- (1) The Mayor shall preside at all meetings of the City Council and shall have full voting rights.
- (2) The Mayor shall perform such other duties consistent with the office as may be imposed by this Charter or the ordinances and resolutions of the City.
- (3) The Mayor may participate in the discussion of all matters coming before the City Council.
- (4) The Mayor shall sign all ordinances, resolutions, capital improvement contracts, conveyances made or entered into by the City, all bonds issued under the provisions of this Charter, and such other documents as authorized by the City Council.
- (5) The Mayor shall be recognized as the official head of the City for all ceremonial purposes.
- (6) The Mayor shall be recognized by the governor for the purpose of enforcing martial law. In time of danger or emergency, the Mayor may, in accordance with State law²³ and with the consent of the Councilmembers, take command of the police and govern the City by proclamation and maintain order and enforce all laws.
- (7) The Mayor shall annually deliver and provide an annual state of the City report.

SECTION 3.13 Duties of City Council

- (1) All powers of the City and the determination of all matters of policy shall be vested in the City Council, which shall have all powers necessary and incident to the proper discharge of the duties imposed upon it and is hereby invested with all powers necessary to carry out the terms of this Charter; it being intended that the City Council shall have and exercise all powers enumerated in this Charter or implied thereby and all powers that are or hereafter may be granted to municipalities by the Texas Constitution and laws of the State.

- (2) The compensation of all appointive officers and employees shall be fixed by the City Council, who may increase or diminish such compensation at will.
- (3) The City Council shall review, revise and adopt the budget for the City.
- (4) The City Council may collectively or individually inquire into the conduct of any office, department or agency of the City; and, the City Council may, collectively, make investigations into any municipal office, department or agency.
- (5) The City Council shall have the power to exercise and adopt all resolutions and ordinances and to implement the authority of the City in this Charter.
- (6) The City Council shall adopt a periodic fiscal reporting policy.

SECTION 3.14 Meetings of City Council

- (1) The City Council shall hold at least one (1) regular meeting each month and as many additional meetings as the City Council deems necessary to transact the business of the City. The City Council shall fix by ordinance the regular meeting schedule.
- (2) Special meetings of the City Council shall be held at the call of the Mayor, the City Manager, or any three (3) Councilmembers, upon provision of public notice in accordance with State law²⁴.
- (3) All meetings of the City Council, except those authorized by law to be closed to the public, shall be open to the public.

SECTION 3.15 City Council Rules of Procedure and Attendance of Meetings

The City Council shall by resolution determine its own rules of procedure and procedures for compelling the attendance of its members.

SECTION 3.16 Quorum of City Council and Minutes of City Council Meetings

- (1) A majority of the City Council shall constitute a quorum to do business, and, unless otherwise provided by law, the affirmative vote of at least a majority of those attending any meeting shall be necessary to adopt any ordinance or resolution.
- (2) Minutes of all proceedings shall be kept, to which any citizen may have access at all reasonable times and which shall constitute one of the archives of the City. The vote on all ordinances and resolutions shall be recorded and entered upon the minutes; and, every ordinance or resolution, upon its final passage, shall be recorded in a book kept for that purpose and shall be authenticated by the signature of the presiding officer. The minutes of all meetings shall record the attendance of all members of the City Council present and those absent.
- (3) All recordings and broadcasts of City Council meetings shall be unedited except where required by law.

SECTION 3.17 Ordinances and Resolutions

- (1) Enactment – Each proposed ordinance and resolution shall be introduced in written or printed form. Ordinances or resolutions may be passed at any regular or special meeting called in accordance with State law²⁵.

- (2) Captions – Each ordinance and resolution shall contain a brief caption of the subject matter of the ordinance or resolution.
- (3) Publication – A descriptive title or caption stating in summary the purpose of the ordinance and the penalty for violation thereof, of each ordinance imposing a penalty, fine or forfeiture, shall after passage be published in one issue of the official newspaper of the City and proof of such publication shall be made by the printer or publisher of such paper making affidavit before some officer authorized to administer oaths. Such affidavit shall be filed with the City Secretary and shall be prima facie evidence of such publication and promulgation of such ordinance so published; said ordinances shall take effect and be in full force and effect from and after the date of publication, unless otherwise expressly provided. Ordinances not required to be published shall take effect and be in force from and after the date of passage thereof unless otherwise provided.
- (4) Savings – All ordinances and resolutions of the City now in existence and not inconsistent with provisions of this Charter shall remain in full force and effect until altered, amended or repealed by the City Council.
- (5) Pleading – It shall be sufficient in all judicial proceedings to plead any ordinances of the City by caption without embodying the entire ordinance in the pleadings, and all pleaded ordinance(s) or codes shall be admitted as evidence in any suit and shall have the same force and effect as the original ordinances. Certified copies of the ordinances may also be used in evidence in lieu of original ordinances.
- (6) Codification – The Code of Ordinances of the City, adopted June 15, 1982, which became effective July 1, 1982, shall be revised at least annually and kept up-to-date by causing any amendments to be published in the form of supplemental pages. An official copy of the Code shall be maintained in the office of the City Secretary for public examination.

SECTION 3.18 Official Newspaper

The City Council shall designate by resolution a newspaper of general circulation in the City as the official newspaper of the City as provided by State law²⁶.

SECTION 3.19 Influence of Appointments

Neither the City Council nor any of its members shall direct the appointment of any person to office by the City Manager or by such City Manager's subordinates. Except for the purpose of inquiry, the City Council and its members shall deal with the administrative services solely through the City Manager and neither the City Council nor any member thereof shall, publicly or privately, give orders to any subordinate of the City Manager.

SECTION 3.20 Public Comment

The opportunity for citizens of the City to provide public comment on any and all subjects regardless of the agenda shall be provided at each regular meeting. This opportunity shall be called "Citizens' Input" and shall begin prior to any vote at a regular meeting of the City

Council. The City Council may provide reasonable regulations to implement this provision.

SECTION 3.21 Code of Ethics

The City Council by ordinance shall establish a Code of Ethics governing the City Council and all city employees which shall include at least the following: wrongful influence, wrongful interference, employees' political activities, penalties, conflict of interest, acceptance of gifts and the use of social media.

SECTION 3.22 Conflicts of Interest

The use of public office for private gain is prohibited. The city council shall implement this prohibition by ordinance, the terms of which shall include but not be limited to strictly prohibiting the Mayor or a Councilmember from: acting in an official capacity on matters in which the official has a special financial interest of any kind that is clearly separate from that of the general public; the acceptance of gifts or items of an annual aggregate value greater than \$250 from a single source; the use of confidential information for unofficial purposes; and appearance before other political subdivisions on behalf of private interests as a City official. Neither the Mayor nor any Councilmember may vote on, debate or discuss matters involving a business entity by whom they are employed or in which they have a substantial financial interest. This ordinance shall include a statement of purpose and shall provide for reasonable public disclosure of related finances by officials with major decision making authority over monetary expenditures and contractual and regulatory matters in compliance with state law. The ordinance shall also provide for fines or other appropriate administrative action for violations.

ARTICLE IV

City Manager

SECTION 4.01 Appointment

The City Council by four (4) affirmative votes shall appoint a City Manager who shall be the administrative and chief executive officer of the City and shall be responsible to the City Council for the administration of the offices of the City, except as otherwise provided by this Charter. The City Manager shall be chosen by the City Council solely on the basis of executive and administrative training, experience and ability. The City Manager need not, when appointed, be a resident of the City, but the City Manager shall be a resident of the City within six (6) months of assuming the appointment to City Manager.

SECTION 4.02 Compensation

The City Manager shall receive a salary, benefits and compensation as set by the City Council.

SECTION 4.03 Duties

The duties of the City Manager shall include the following:

- (1) Provide that all laws and ordinances of the City are enforced.
- (2) Appoint all appointive officers, or employees of the City (such appointments to be made upon merit and fitness alone), except as provided in this Charter.
- (3) Suspend and remove, at will, any officers or employees except as provided in this Charter.
- (4) Provide for the efficient administration and operation of all departments, under the City Manager's control, including the maintenance of and public information request for all records thereof except as provided in this Charter.
- (5) Prepare and recommend to the City Council the annual budget and capital program, as provided by this Charter, and administer and execute the budget as adopted by the City Council.
- (6) Provide supervision and control over all departments and offices that are created by the City Council and employees appointed by the City Manager, except as provided in this Charter.
- (7) Attend all meetings of the City Council with the right to take part in the discussion.
- (8) Execute all contracts as authorized by resolution or ordinances adopted by City Council.
- (9) Make such recommendations in writing to the City Council of the measures, as the City Manager may deem necessary and expedient.
- (10) Provide written reports no less than quarterly of the current financial conditions and future needs of the City to be presented orally at an open meeting of the City Council, and make such recommendations concerning the affairs of the City, as the City Manager or the City Council deems desirable or necessary.
- (11) Perform such other duties as may be prescribed by the Charter or which may be required by ordinance or resolution of the City Council.

SECTION 4.04 Removal

The City Manager may be removed, with or without cause, by four (4) affirmative votes of the City Council.

ARTICLE V

City Officers

SECTION 5.01 City Secretary

- (1) Appointment – The City Council shall appoint the City Secretary, upon by four (4) affirmative votes of the City Council. The City Council shall consider the City Manager's recommendations regarding the appointment of the City Secretary.
- (2) Duties – The City Secretary shall:
 - A. Give notice of all official public meetings of the City Council as consistent with this Charter and State law²⁷;

- B. Attend all public meetings and hearings of the City Council;
 - C. Keep the minutes of the proceedings of all public meetings and hearings of the City Council as prescribed by the City Council consistent with applicable law;
 - D. Act as custodian of all official records of the City Council;
 - E. Hold and maintain the seal of the City and affix this seal to all appropriate documents;
 - F. Authenticate and record all ordinances, resolutions and proclamations of the City by signature and seal;
 - G. Perform such other duties as may be required by the City Council consistent with this Charter and the laws of the State;
 - H. Shall conduct all municipal elections;
 - I. Act as agent for the purposes of serving civil process;
 - J. Assist the City Manager with the maintenance and public information request of all records as directed by the City Council;
 - K. Prepare and recommend to the City Council the annual budget for the office and staff of the City Secretary; and
 - L. Hire, provide supervision and control over all employees of the office of the City Secretary.
- (3) Compensation - The City Council shall fix the compensation, salary and benefits of the City Secretary in accordance with the City Secretary's experience, qualifications and performance.
- (4) Removal - The City Secretary may be removed, with or without cause, by four (4) affirmative votes of the City Council.

SECTION 5.02 City Treasurer

The City Council may appoint a City Treasurer. The City Council by ordinance shall define the responsibilities, compensation, and authority of City Treasurer.

SECTION 5.03 City Auditor

The City Council may appoint a City Auditor. The City Council by ordinance shall define the responsibilities, compensation, and authority of the City Auditor.

SECTION 5.04 Municipal Judge

- (1) Appointment - The City Council shall appoint by four (4) affirmative votes of the City Council such Municipal Judges of the Municipal Court as may be necessary, all of whom shall be competent, duly qualified attorneys licensed and practicing for at least two (2) years in the State. The Municipal Judge(s) shall be appointed for a term of two (2) years and may be appointed to additional consecutive terms. Reappointment of the Municipal Judge(s) shall occur in a manner consistent with the provisions of state law. The Municipal court shall be presided over by a judge to be known as the "Chief Judge of the Municipal Court" and such alternate and temporary judges that may be appointed by ordinance of the City Council.

- (2) Duties – The Municipal Judge shall be the Chief Judge of said Municipal Court shall have power to punish for contempt to the same extent and under the same circumstances as the Justice of the Peace may punish for contempt of criminal cases.
- (3) Compensation – The Municipal Judge(s) shall receive compensation as may be determined by the City Council.
- (4) Removal – In accordance with State law²⁸, the Chief Judge or any Associate Judge of the Municipal Court may be removed from office during their term of office, with or without cause, after a hearing, by a 2/3 majority vote of the full City Council.

SECTION 5.05 City Attorney

- (1) Appointment – The City Council shall appoint by four (4) affirmative votes of the City Council a competent, duly qualified licensed and practicing attorney in the State who shall serve as the City Attorney.
- (2) Duties – The City Attorney shall:
 - A. Serve as the legal advisor to the City Council;
 - B. Represent the City in litigation and legal proceedings as directed by the City Council;
 - C. Review and provide opinions as requested by the City Council on contracts, legal instruments, and ordinances of the City and other City business; and
 - D. Serve as the legal advisor to the officers and their departments, as directed by the City Council.
- (3) Special Counsel – The City Council shall have the right to retain special counsel at any time that it may deem necessary and appropriate to collect delinquent and ad valorem taxes and liens or for such purposes the City Council deems appropriate.
- (4) Compensation – The City Attorney and Special Counsel shall receive compensation as may be determined by the City Council.
- (5) Additional Counsel – The City Attorney, with the approval of the City Council, may select additional attorneys to act for said City Attorney and the City in its representation and/or litigation.
- (6) Removal – The City Attorney may be removed, without cause, by four (4) affirmative votes of the City Council.

SECTION 5.06 Official Bond of City Employees

The directors of all administrative departments whose duties include the handling of monies, and all employees whose duties include the handling of monies, belonging to the City, shall before entering upon the duties of their office or employment, make bond in some responsible surety company, acceptable to the City Council for such amount as the City Council may prescribe, the premium of such bond shall be paid by the City; the City Council may also require any such surety bond to be further conditioned that the principal thereon will faithfully perform and/or discharge the duties of said person's office and if there are provisions of State law²⁹ bearing upon the functions of said person's office under which the execution of a surety bond is required, it shall be further conditioned to comply therewith.

SECTION 5.07 City Prosecutor

- (1) Appointment - The City Council shall appoint by four (4) affirmative votes of the City Council a competent, duly qualified attorney licensed and practicing in the State who shall serve as the City Attorney for Municipal Court Prosecution also to be known as the City Prosecutor.
- (2) Duties - The City Prosecutor shall:
 - A. Represent the City and the State of Texas in proceedings and litigation in the Rowlett Municipal Court; and
 - B. Provide training and legal updates to the Rowlett Police Department regarding duties related to the prosecution of municipal court cases; and
 - C. All other duties required by law including the duty to see that justice is done.
- (3) Compensation - The City Prosecutor shall receive compensation as may be determined by the City Council.
- (4) Additional Prosecutors - The City Prosecutor may select additional attorneys to serve in his or her absence in an intermittent basis at his or her direction.
- (5) Removal - The City Prosecutor may be removed, without cause, by four (4) affirmative votes of the City Council.

ARTICLE VI

Financial

SECTION 6.01 Audit and Examination of City Books and Accounts

At the close of each fiscal year, and at such other times as may be necessary, the City Council shall call for an independent audit of all accounts of the City by a certified public accountant. The city shall seek competitive qualifications for auditors at least once every five (5) years. The certified public accountant selected shall have no personal interest, directly or indirectly, in the financial affairs of the City or any of its officers. The written report of audit will be presented to and discussed by the City Council at a regular meeting. The auditor's recommendations will be read into the record of the meeting. Copies of the audit shall be placed on file as a public record with the City Secretary.

SECTION 6.02 Budget

The fiscal year of the City shall begin on the first day of October and end on the last day of September of each calendar year. Each year and in sufficient time to provide for all necessary hearings, the City Manager shall prepare and submit to the City Council a budget to cover all proposed expenditures of the City for the succeeding fiscal year. Such budgets shall be prepared and administered pursuant to the applicable general laws of this state. In the event that the budget is not enacted prior to October 1st, the preceding fiscal year budget shall be deemed adopted, which may be amended or supplemented, as the City Council deems appropriate.

SECTION 6.03 Inventory of Property and Liens

- (1) The definitions of property and terms as defined by the general laws of the State under the head of taxation shall apply to the taxation of property in this City.
- (2) The tax levied by the City shall be a lien, charge or encumbrance upon the property upon which the tax is due, which lien, charge or encumbrance the City is entitled to enforce and foreclose in any court having jurisdiction over the same, and the lien, charge and encumbrance on the property in favor of the City. All taxes upon real estate shall be a lien and a charge upon the property upon which the taxes are due, which lien may be foreclosed in any court having jurisdiction.

SECTION 6.04 Taxes and Taxation

(1) Powers -

- A. The City Council shall have the power to levy, for general purposes, an ad valorem tax on real, personal, and mixed property within the territory of the City, not exempt from taxation by the Texas Constitution and laws of the State, not to exceed a total of one dollar and twenty-five cents (\$1.25) per one hundred dollars (\$100.00) assessed valuation of said property in accordance with State law³⁰, based upon its true value as provided by law to the extent of the constitutional limit permitted by the State to cities. In no event shall the City have the power to levy an ad valorem on non-business personal property.
- B. The City Council may levy taxes on all property, privileges and franchises of every kind and description within the City limits or having its situs therein on January first of each year, and from any other local source. The place, time, and manner of payment thereof, with penalties, shall be established by the City Council, as it deems best, not in violation of the laws of this State.
- C. The City Council shall determine and provide when taxes shall be due and payable. It shall have the right to fix the time and terms of payments of taxes, prescribe penalties for the non-payment thereof upon the expiration of the time fixed by the said City Council.
- D. The City will, by ordinance, adopt homestead and other exemption(s) as it deems appropriate in accordance with State law³¹.

(2) Collection - The City Council shall have full power, by ordinance to provide for the prompt collection of all taxes levied, assessed and due or becoming due to the City.

(3) Payment - All ad valorem taxes due or to become due upon real, business personal or mixed property or upon franchises granted by the City to individuals or corporations and all license taxes, occupation taxes, permit fees, fines, forfeitures, penalties and other amounts of taxes accruing to the City shall be collectable and payable only in current money of the United States.

(4) Delinquency -

- A. All ad valorem taxes due or to become due to the City that are not paid within the time specified by law shall be delinquent and shall be subject to penalties and charges prescribed by law³².

- B. All suits for delinquent taxes to the City shall be brought in accordance with general laws of the State relative to the collection of delinquent state and county ad valorem taxes.
- (5) Appraisal – Appraisal of property for ad valorem purposes shall be conducted in accordance with the provisions of the State law³³, as the same is from time to time amended.

SECTION 6.05 Designation of Depository for City Funds

The City Council shall select a depository for City funds in accordance with State law³⁴, and to follow all the terms and provisions State law³⁵.

ARTICLE VII

Bonds, Warrants and Other Evidence of Indebtedness

SECTION 7.01 Authority to Issue

The City shall have the right and power to borrow money for public purposes by whatever method it may deem to be in the public interest. The City shall have the right and power to issue tax bonds, revenue bonds, and any other evidences of indebtedness for permanent public improvements or for any other public purpose not prohibited by law or this Charter and to issue refunding bonds to refund outstanding evidences of indebtedness previously issued. All such bonds or other evidences of indebtedness shall be issued in conformity with the laws of the State applicable at the time of issuance of such obligations. Notwithstanding, an affirmative vote of at least 80% of Councilmembers in attendance at a regular meeting shall be required to authorize issuance of all bonds and other evidence of indebtedness, with the exception of refunding bonds.

SECTION 7.02 Manner of Issuance

Bonds and warrants of the City shall be issued as provided by the General Laws of Texas applicable to cities and towns.

ARTICLE VIII

Recall

SECTION 8.01 Procedure

The Mayor or any Councilmember may be removed from office in the following manner:

- (1) Any qualified voter of the City may make and file with the City Secretary a written verified statement containing the name of any member of the City Council whose removal is sought, which statement shall state the specific grounds of incompetency, misconduct or malfeasance in office upon which removal is predicated. The City Secretary shall deliver a copy of the statement to the officer so charged and also to

the other members of the City Council. The City Secretary shall deliver to the person making such charges petition blanks for demanding such removal. Such blanks shall be issued by the City Secretary with the City Secretary's signature thereto attached, shall be dated and addressed to the City Council, and shall state the grounds, as is required in the initial written statement, so as to give the officer sought to be removed and those signing the petition notice of the matters and things with which such officer is charged. A copy of the petition shall be recorded in a record book for that purpose to be kept in the office of the City Secretary.

- (2) To be effective, a recall petition must be returned and filed with the City Secretary within thirty (30) days after its issuance. Such petition must bear the signatures of qualified voters of the City equal in number to at least twenty percent (20%) of the average number of voters casting votes for such office at the last two general elections or the signatures of five hundred (500) qualified voters of the City, whichever is the greatest. Each page of a recall petition shall have attached an affidavit of the circulator thereof, stating that each signature thereto was made in the circulator's presence and is the genuine signature of the person whose name it purports to be. Each signature must be in the signer's own handwriting, and the petition shall contain the printed name of each signer and the signer's residence address, the date of signing, and the signer's voter registration number and county of registration or date of birth. Recall petition papers provided by the City Secretary shall be in form that substantially complies with the form in Appendix "A".
- (3) All papers and affidavits comprising a recall petition shall be assembled and filed with the City Secretary as one instrument, with a statement attached thereto giving the name and address of at least one qualified voter, who, as the petitioner, shall be officially regarded as filing the petition. Any evidence in support of the recall petition should be provided to the City Secretary along with the petition. Not later than the fifth regular business day after the date of its receipt, the City Secretary shall notify the petitioner as to the sufficiency of the petition and shall attach thereto a certificate showing the result of the examination³⁶. If the City Secretary shall certify the petition as insufficient, the City Secretary shall set forth in the certificate the particulars in which it is defective and shall at once notify the petitioner of such finding.³⁷
- (4) A recall petition may not be supplemented, modified, or amended on or after the date it is received by the City Secretary; provided, however, that the petitioner may file one supplementary petition (within 30 days of the issuance of the petition blanks by the City Secretary) if the original petition contains a number of signatures that exceeds the required minimum number by 10 percent or more and is received by the City Secretary not later than the 10th day before the date of the deadline.³⁸
- (5) If a recall petition shall be certified by the City Secretary to be sufficient, the City Secretary shall at once submit it to the City Council with a certificate to that effect and shall notify the member whose removal is sought of such action. The City Council shall hold a public hearing to be held not less than five (5) nor more than fifteen (15) days after receiving the recall petition. City Council shall (without the

vote of the officer or officers whose removal is sought), upon presentation of credible evidence of grounds stated in petition, thereupon order and fix the date for holding a recall election which shall be held at the next date authorized for City elections by State law³⁹. In the event of a multiple member recall and the resulting failure to establish a quorum, the petition will automatically result in an election.⁴⁰

- (6) The question of recalling any number of members of the City Council may be submitted at the same election, but as to each member whose removal is sought a separate written statement and a separate petition shall be filed and there shall be an entirely separate ballot. Candidates to succeed any members of the City Council whose removal is sought shall be placed in nomination in compliance with this Charter.
- (7) The ballot to be used in a recall election shall submit the proposition in substantial compliance with the form in Appendix "B". Except as provided in this section, ballots used in recall elections shall comply with the provisions of this Charter regarding ballots for regular municipal elections.
- (8) If a majority of votes be for recall of the officer, such officer shall be deemed removed from office. The candidate to succeed such officer who receives the highest vote shall be declared elected to fill the unexpired term. If an officer sought to be recalled shall resign, the vacancy shall be filled as prescribed by law and this Charter.
- (9) No recall shall be filed against the Mayor or a Councilmember within three (3) months after such Mayor or Councilmember takes office. In the case of an insufficient petition, a Council determination of insufficient grounds for recall, or an unsuccessful recall election, no recall petition shall be filed against said officer until at least six (6) months has expired from the date on which the petition was certified insufficient, the date of the Council's determination, or the date of the canvassing of the votes of the recall election.

ARTICLE IX

Legislation by Initiative and Referendum

SECTION 9.01 Initiative

- (1) Qualified voters of the City may initiate any ordinance (except one appropriating money, levying a tax or issuing bonds) by submitting a petition to the City Council which, after approval as to legal form by the City Attorney, requests that the ordinance be passed by the City Council, or, if not passed, it be submitted to a vote of the qualified voters of the City. Said petition must be signed by qualified voters of the City equal in number to twenty percent (20%) of the number of votes cast at the last regular municipal election, or 250, whichever is greater, and each copy of the petition shall have attached to it a copy of the proposed ordinance.
 - A. The petition must state the residence of each signer and bear the oath of one of the signers that each signature thereon is the genuine signature of each person whose name it purports to be subscribed thereon.

- B. The petition shall be filed with the City Secretary and within twenty (20) days after such filing the City Secretary shall check the signatures on the petition against the county voter registration lists and attach thereto the City Secretary certificate showing the results of such examination.
- (2) Any person who has filed an insufficient petition shall be notified immediately upon discovery of such insufficiency and may present additional signatures within ten (10) days after such notice or may file a new petition at any time.
 - (3) Within twenty (20) days after the City Secretary finds such a petition to be sufficient, the City Council shall either pass the ordinance as submitted or order an election to submit the proposed ordinance to a vote of the qualified voters of the City who shall vote on the question: "For the Ordinance" or "Against the Ordinance." If a majority of the qualified voters at such election vote for the ordinance, it shall thereupon be an ordinance of the City.

SECTION 9.02 Referendum

- (1) The qualified voters of the City shall have the power to approve or reject at the polls any ordinance passed by the City Council (except ordinances appropriating money, levying a tax or issuing bonds by submitting a petition to the City Council requesting that the ordinance be repealed, or, if not repealed, that it be submitted to a vote of the qualified voters of the City.
- (2) The petition shall be signed by qualified voters of the City equal in number to at least twenty percent (20%) of the number of votes cast at the last regular municipal election or 250, whichever is greater and each copy of the petition shall have attached to it a copy of the ordinance.
- (3) The petition shall be filed with the City Secretary and shall be signed and checked for sufficiency in the same manner as initiative petitions are herein required to be signed, verified and checked.

SECTION 9.03 City Council to Repeal or Submit Referendum Ordinance to Election

- (1) When a referendum petition has been certified as sufficient, the ordinance specified in the petition shall not go into effect or further action thereunder shall be suspended if it shall have gone into effect, unless approved by the electors. When filed, the City Council shall immediately reconsider such ordinance and if the City Council does not entirely repeal the same, it shall order an election to submit the ordinance to a vote of the qualified voters, who shall vote on the question: "For the Ordinance" or "Against the Ordinance".
- (2) If a majority of the qualified voters at such election do not vote for the ordinance, the same shall be deemed repealed and it shall be without further force and effect.

SECTION 9.04 Publication of Ordinances

Prior to the date early voting shall begin in any election on an initiative or referendum, the City Secretary shall cause the particular ordinance to be published verbatim in at least one

issue of the official newspaper of the City or a printed copy thereof mailed to each qualified voter of the City as appears on the tax roll of the City for the year ending the 31st day of January next preceding and the City Secretary shall do such other things relative to such election as are required in general municipal elections or by the order calling said election.

ARTICLE X

Franchises

SECTION 10.01 Ordinance Granting Franchise

No grant to use the public right-of-way or property under ownership of the city shall be granted for a term of more than twenty (20) years from the date of the grant, renewal or extension of such franchise unless approved by citizens in accordance with this article. The City Council may, by four (4) affirmative votes, seek approval from the voters by submitting all applications exceeding twenty (20) years to an election in accordance with State law⁴¹. The prospective franchisee, not the City, shall fund the cost of said election.

SECTION 10.02 Right of Regulation

In granting, amending, renewing and extending public service and utility franchises, the City reserves unto itself all the usual and customary rights, including, but not limited to, the following rights:

- (1) To repeal the franchise by ordinance for failure to begin construction or operation within the time prescribed, or for failure to comply with terms of the franchise;
- (2) To require all extensions of service within the City limits to become part of the aggregate property of the service and operate subject to all obligations and reserved rights contained in this Charter. Any such extension is considered part of the original grant and terminable at the same time and under the same conditions as the original grant;
- (3) To require expansion and extension of facilities and services and to require maintenance of existing facilities to provide adequate service at the highest level of efficiency;
- (4) To require reasonable standards of service and quality of product and prevent rate discrimination;
- (5) To impose reasonable regulations and restrictions to insure the safety and welfare of the public;
- (6) To examine and audit accounts and records and to require annual reports on local operations of the public service or utility;
- (7) To require the franchisee to restore, at franchisee's expense, all public or private property to a condition as good as or better than before disturbed by the franchisee for construction, repair or removal;
- (8) To require the franchisee to furnish to the City, from time to time within a reasonable time following request of the City, at franchisee's expense a general map outlining current location, character, size, length, depth, height and terminal

- of all facilities over and under property within the City and its extraterritorial jurisdiction; and
- (9) To require compensation, rent or franchise fees to be paid to the City as may be permitted by the laws of the State.

SECTION 10.03 Regulation of Rates

- (1) The City Council has the power to fix and regulate the rates and charges of all utilities and public services, consistent with State law⁴².
- (2) Upon receiving written request from a utility or public service requesting a change in rates, or upon a recommendation from the City that rates for services provided by or owned by the City be changed, the City Council shall call a public hearing for consideration of the change.
- (3) The City, public service or utility must show the necessity for the change by any evidence required by the City Council, including but not limited to, the following:
- A. Cost of its investment for service to the City;
 - B. Amount and character of expenses and revenues connected with rendering the service;
 - C. Copies of any reports or returns filed with any state or federal regulatory agency within the last three (3) years; or
 - D. Demonstration that the return on investment, if any, is within the state and federal limitations.
- (4) If not satisfied with the sufficiency of evidence, the City Council may hire rate consultants, auditors and attorneys to investigate and, if necessary, litigate requests for rate changes, the expense of which shall be reimbursed to the City by the franchisee.

SECTION 10.04 Transfer of Franchise

No public service or utility franchise is transferable, except with the approval of the City Council. However, the franchisee may pledge franchise assets as security for a valid debt or mortgage.

SECTION 10.05 Franchise Value Not to be Allowed

Franchises granted by the City are of no value in fixing rates and charges for public services or utilities within the City and in determining just compensation to be paid by the City for property which the City may acquire by condemnation or otherwise.

ARTICLE XI

Legal Provisions

SECTION 11.01 Notice of Claim

The City shall not be held liable on account of any claim for the death of any person or injuries to any person or damage to any property unless the person making such complaint or claiming such damages shall, within ninety (90) days after the time at which it is claimed such damages were inflicted upon such person or property, file with the City a written statement, under oath, stating the nature and character of such damages or injuries, the extent of the same, the place where same happened, the circumstances under which the same happened and the condition causing same, with a detailed statement of each item of damages and the amount thereof, giving a list of any witnesses known by affiant to have seen the accident.

SECTION 11.02 Service of Process Against the City

All legal process against the City shall be served upon the City Secretary.

SECTION 11.03 Nepotism

No person within the second degree by affinity or within the third degree by consanguinity to the Mayor or any Councilmember or the City Manager shall be employed by or contracted with the City. This shall not apply to the following:

- (1) Any person employed by the City prior to the person related in the above degree filing to run for elective office or being nominated for an appointment; or
- (2) Any person who is a seasonal employee or intern of the City.

SECTION 11.04 Construction of Terms

The construction of the provisions of this Charter shall comply with the State law⁴³ as amended.

SECTION 11.05 Charter Deemed Public Act

This Charter must be deemed a public act and judicial notice shall be taken thereof in all courts.

SECTION 11.06 Severability of Portions of Charter

If any provision of this Charter violates the Constitution of the United States, the Texas Constitution or any statutes of the State, or if any court holds such provisions for naught for any reason, the remaining provisions shall not be affected thereby and shall continue in effect.

ARTICLE XII

Adoption Of Charter

SECTION 12.01 Procedure

- (1) This Charter shall be submitted to the qualified voters of the City for adoption or rejection on January 19, 1980, at which election, if a majority of the qualified voters voting in such election shall vote in favor of the adoption of this Charter, it shall then immediately become the governing law of the City until amended or repealed.
- (2) It being impractical to submit this Charter by sections, it is hereby prescribed that the form of ballot to be used in such election shall be as follows, to-wit:

FOR THE ADOPTION OF THE CHARTER
AGAINST THE ADOPTION OF THE CHARTER

- (3) The present City Council of the City shall call an election in accordance with the provisions of the general laws of the state governing such elections, and the same shall be conducted and the returns made and results declared as provided by the laws of the State governing municipal elections, and in case a majority of the votes cast at such election shall be in favor of the adoption of such Charter, then an official order shall be entered upon the records of said City by the City Council of Rowlett declaring the same adopted, and the City Secretary shall record at length upon the records of the City, in a separate book to be kept in the City Secretary office for such purpose, such Charter as adopted, and such City Secretary shall furnish to the Mayor a copy of the Charter which copy of the Charter shall be forwarded by the Mayor as soon as practicable, to the Secretary of State under the seal of the City together with a certificate showing the approval of the qualified voters of such Charter.

SECTION 12.02 Amendment of Charter

Amendments to this Charter may be framed and submitted to the qualified voters of the City as provided by the Texas Constitution and the laws of the State as presently enacted or hereafter amended; but no more often than once every two (2) years, as provided by the laws of the State.

SECTION 12.03 Charter Review Commission

- (1) Appointment - The City Council shall appoint a Charter Review Commission at least once every five (5) years. The Charter Review Commission shall consist of seven (7) citizens of the City.
- (2) Scope - The City Council shall determine the minimum scope of the review by the Commission. The Commission shall determine whether the Charter requires revision or amendment. The Commission may request factual information

concerning the operation of the City and such information may be provided in writing or orally. The Commission may hold public hearings regarding the Charter. The Commission shall make recommendations for changes to the Charter without any consideration of the impact upon staff or cost to the City. The Commission shall report its findings and present its recommendations regarding the Charter to the City Council at a regular or special meeting.

- (3) Term – The term of office of the Commission shall be for not more than twelve (12) months, at the end of which time a report shall be presented to the City Council and all records of proceedings of the Commission shall be filed with the City Secretary and become a public record.

SECTION 12.04 Administrative Amendment

The City Council may provide by ordinance, after conducting two public hearings, to amend, alter or reformat any provisions and to amend statutory or State law references and/or endnotes of this Charter, but may not in any circumstance substantively change any portion of the same without compliance with State law and this Article. However, the City Council may amend by ordinance, after public hearing, any provision of this Charter to comply with an amendment to state law that renders a charter provision invalid, provided that the Charter amendment shall track as near as possible the language of the amendment to state law.

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Appendix "A" RECALL PETITION

We, the undersigned qualified voters of the City of Rowlett, Texas, hereby demand that the question of removing _____ from the City Council be submitted to a vote of the qualified voters of the City of Rowlett based upon the following grounds:

PRINTED NAME	VOTER REGISTRATION NUMBER*	ADDRESS	COUNTY	DATE OF BIRTH*	SIGNATURE

** Either the Voter Registration Number or the Date of Birth must be included.*

STATE OF TEXAS
COUNTY OF _____

BEFORE ME, the undersigned authority, personally appeared _____ who, after being duly sworn, deposes and says that he/she is the circulator of the foregoing petition paper and that the signatures appended thereto were made in his/her presence and are genuine signatures of the persons whose names they purport to be.

SUBSCRIBED AND SWORN TO BEFORE ME, this the ____ day of _____, 20____.

Notary Public in and for
_____ County, Texas

Appendix "B" BALLOT

PROPOSITION

(Place an "X" in the square beside the statement indicating the way you wish to vote.)

☐ FOR RECALL Shall _____ be removed
by recall from his/her office as (Mayor or
Councilmember) of the City of Rowlett, Texas?

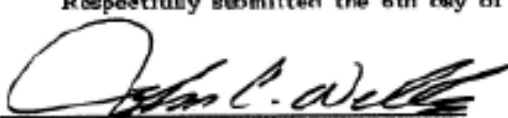
☐ AGAINST RECALL

CANDIDATES

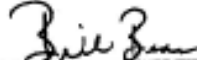
(Vote for One)

Appendix "C" ORIGINAL CHARTER SIGNATURES

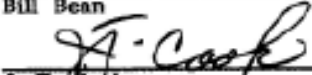
Respectfully submitted the 6th day of December, 1979.

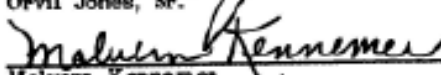

John Wells,
Chairman of the Charter Commission


Harold Chensault,
Secretary of the Charter Commission


Bill Bean

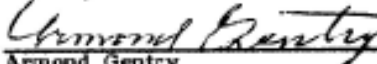

Orvil Jones, Sr.


J. T. Cobb


Malvern Kennemer


Bill Coyle


Dorothy Kessler


Armond Gentry


Ray Knepps, Sr.


Earl Hammond


Jim McNair


W. R. "Shorty" Johnson


Vernon Schrade

Appendix "D" PAST COMMISSION AND COMMITTEES

FIRST HOME RULE CHARTER COMMISSION FOR THE CITY OF ROWLETT, TEXAS

Submitted by Commission December 6, 1979

Adopted by Election January 19, 1980

John Wells,
Chairman of the Charter Commission
Harold Chenault,
Secretary of the Charter Commission

Bill Bean
J. T. Cook
Bill Coyle
Armond Gentry
Earl Hammond
W. R. "Shorty" Johnson

Orvil Jones, Sr.
Malvern Kennemer
Dorothy Kiesler
Ray Kneggs, Sr.
Jim McNair
Vernon Schrade

FIRST CHARTER REVISION COMMITTEE

Amended by Election April 2, 1983

John Crable
Jimmy Turman
Dave Hawkins
Mike McCallum

Robert Powell
Wayne Carnes
Jim McNair

SECOND CHARTER REVISION COMMITTEE

Amended by Election May 7, 1988

Billy Armstrong
Wayne Carnes
Tom Hilliard
Janis Richardson

M. E. (Bill) Bean
Jay Durkin
Leonard Prince

City Council Initiative Establishing City Council Place Designations
Amended by Election May 4, 1991

THIRD CHARTER REVISION COMMITTEE

Amended by Election January 18, 1997

John Schroy,
Chairman of the Charter Committee

Jade Browning
David Johnson
K. C. Wiles

Dr. Brad Daniels
Diane Ross-Rahm
Al Wilkinson

FOURTH CHARTER REVISION COMMITTEE

Amended by Election May 3, 2003

Councilmember Stanton Foerster,
Chairman of the Charter Committee

Hector Collazo, Jr.
Richard S. Huff
Jeffrey C. Mateer

Suzan Fulton
Ann Kilpatrick
Jeffrey Sheldon

FIFTH CHARTER REVISION COMMITTEE

Amended by Election November 4, 2008

Jeffrey Sheldon,
Chairman of the Charter Committee
Cindy Rushing – Council Liaison

Scott Airitam
William Barber
Donna Davis

Brent Hutson
Roger Tomberlin
Bobby Wright

SIXTH CHARTER REVISION COMMITTEE

Amended by Election May 11, 2013

Dr. Michael Lucas,
Chairman of the Charter Committee
Donna Davis – Council Liaison

Tammy Dana-Bashian
Mick Donnelly
Whitney Laning
Pamela Liston
Jeffrey Sheldon

Brownie Sherrill
David Jenkins
Kevin Lawson
Susie Quinn

SEVENTH CHARTER REVISION COMMITTEE

Amended by Election May 7, 2016

**Whitney Laning,
Chairman of the Charter Committee
Debby Bobbitt – Council Liaison**

**Deb Shinder
Martha Brown
Leisa Oleson Peebles
Pamela Liston**

**Ray Kneggs
Bruce Mahnken
Dan Pence
Thomas Finney**

EIGHTH CHARTER REVISION COMMITTEE

Amended by Election May 1, 2021

**Jeff Winget,
Chairman of the Charter Committee
Martha Brown, Pamela Bell – Council Liaisons**

**Deborah Crosby
Brian Galuardi
Kellie McKee
Rick Sheffield**

**Erik Ernst
Richard Kull
Becky Sebastian**

NINTH CHARTER REVISION COMMITTEE

Amended by Election May 6, 2023

**Elise Bowers,
Chairman of the Charter Committee
Jeff Winget, Brian Galuardi – Council Liaisons**

**Deborah Crosby
Kellie McKee
Lee Shaw
Mike Volz**

**Mary DuBose
Michael Schupp
Vicki Stallcup-Causey
Tamra Williams**

Appendix "E" ENDNOTES

¹ Chapter 43, TEXAS LOCAL GOVERNMENT CODE

² Chapter 43, TEXAS LOCAL GOVERNMENT CODE

³ The Municipal Court of the City of Rowlett, Texas is also known as the Municipal Court of Record No. I as established in 1997 by act of the State legislature.

⁴ § 30.00005, TEXAS GOVERNMENT CODE

⁵ § 30.00005(a)(2), TEXAS GOVERNMENT CODE

⁶ § 54.001, TEXAS LOCAL GOVERNMENT CODE

⁷ § 30.00005, TEXAS GOVERNMENT CODE

⁸ The take-line is certain designated areas between private property and the shoreline of the Lake Ray Hubbard Reservoir when the lake is at its normal pool level at an elevation of 435.5 feet above mean sea level. Such property is within the city limits of the City of Rowlett, is owned by the City of Dallas, and is leased to the City of Rowlett.

⁹ Chapter 311, TEXAS TRANSPORTATION CODE

¹⁰ TEXAS UTILITIES CODE

¹¹ § 252; § 273, TEXAS LOCAL GOVERNMENT CODE

¹² Art. 11, § 5, TEXAS CONSTITUTION

¹³ § 252; §273, TEXAS LOCAL GOVERNMENT CODE

¹⁴ Chapters 211, 212 and 213, TEXAS LOCAL GOVERNMENT CODE, as amended

¹⁵ § 41.001, TEXAS LOCAL GOVERNMENT CODE

¹⁶ CHAPTER 217, TEXAS LOCAL GOVERNMENT CODE

¹⁷ § 143.007, TEXAS ELECTION CODE

¹⁸ TEXAS ELECTION CODE

¹⁹ TEXAS ELECTION CODE

²⁰ Chapter 67, TEXAS ELECTION CODE

²¹ Chapter 41, TEXAS ELECTION CODE

²² Art. 11, § 11, TEXAS CONSTITUTION

²³ Chapter 418, TEXAS GOVERNMENT CODE

²⁴ § 551.001 *et seq.*, TEXAS GOVERNMENT CODE

²⁵ § 551.001 *et seq.*, TEXAS GOVERNMENT CODE

²⁶ § 2151.041, *et seq.*, TEXAS GOVERNMENT CODE

²⁷ § 551.001 *et seq.*, TEXAS GOVERNMENT CODE

²⁸ § 30.000085, TEXAS GOVERNMENT CODE

²⁹ Chapter 604, TEXAS GOVERNMENT CODE

³⁰ Art.11, § 5, TEXAS CONSTITUTION

³¹ CHAPTER 11, TEXAS TAX CODE

³² § 33.01, *et seq.*, TEXAS TAX CODE

³³ Chapters 23, 24, 25, TEXAS TAX CODE

³⁴ Chapter 105, TEXAS LOCAL GOVERNMENT CODE

³⁵ Chapter 105, TEXAS LOCAL GOVERNMENT CODE

³⁶ Ch. 277, TEXAS ELECTION CODE

³⁷ Ch. 277, TEXAS ELECTION CODE

³⁸ Ch. 277, TEXAS ELECTION CODE

³⁹ Ch. 41, TEXAS ELECTION CODE

⁴⁰ Ch. 41, TEXAS ELECTION CODE

⁴¹ § 590.0001, TEXAS LOCAL GOVERNMENT CODE

⁴² § 33.001, *et seq.*, TEXAS UTILITIES CODE

⁴³ Chapter 311, TEXAS GOVERNMENT CODE

City of Rowlett
4000 Main Street
Rowlett, Texas 75088
972-412-6100
Rowlett.com